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**CHILD TRAFFICKING: A CASE OF SOUTH  
SUDAN**

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**Child Trafficking: A Case of South Sudan**

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### **ABSTRACT**

The question regarding what makes child trafficking persistent in conflict and post-war settings has been subject to intense debate. The human trafficking literature makes general conclusions that trafficking is a by-product of civil wars, and in the process child traffickers exploit the breakdown of the rule of law. As such it is perceived that the governance of the problem of child trafficking can be effective whenever peace and stability is realised and when legal frameworks for protecting children are in place.

Prompted by these assertions, I conducted a field study in South Sudan, a country emerging from one of Africa’s longest running and most brutal civil wars fought between the government in Khartoum and Sudanese Peoples Liberation Movement/Army (SPLM/A). The Sudan’s civil wars ended after the signing of the Comprehensive Peace Agreement in 2005. Whilst the termination of the war raised expectations that the international anti-trafficking conventions, treaties and customary laws protecting children would have enforcement powers and would guarantee the rights and safety of the child, the peace failed to deliver on these expectations.

Based on empirical data obtained through an intensive micro-level qualitative research conducted in South Sudan over three months, the research findings reveal that a number of challenges pose serious difficulties in enforcing international counter-trafficking legislations and child protection instruments. These challenges are compounded by the interplay of the emerging socio-economic and political development in the post-independent South Sudan.

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## **DEDICATION**

This thesis is dedicated to all my children who have had to share their life so far with the thesis that has been too consuming.

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## **LIST OF ABBREVIATIONS**

ACRWA	African Charter for the Rights and Welfare of the Child
AMIS	Africa Union Mission in the Sudan
AU	African Union
CANS	Civil Administration of New Sudan
CBOs	Community Based Organisations
CCC	Confident Children out of Conflict
CEAWC	Committee for the Eradication of the Abduction of Women and Children
CIA	Central Intelligence Agency
CP	Child Protection
CPA	Comprehensive Peace Agreement
CPI	Corruption Perceptions Index
CSI	Christian Solidarity International
CSOs	Civil Society Organisations
DoP	Declaration of Principles
DUP	Democratic Unionist Party
GoNU	Government of National Unity
GoSS	Government of South Sudan
ICG	International Crisis Group
ICMPD	International Centre for Migration Policy Development
ICRC	International Committee of the Red Cross



IGAD	Intergovernmental Authority on Development
ILO	International Labour Organisation
INGOs	International Non-Governmental Organizations
IOM	International Organisation for Migration
IPEC	International Programme on the Elimination of Child Labour
JLEI	Joint Libyan and Egyptian Initiative
LRA	Lord's Resistance Army
MTV EXIT	Music Television's End Exploitation and Trafficking
NCCW	National Council for Child Welfare
NDA	National Democratic Alliance
NIF	National Islamist Front
NSA	Non-State Actors
OAU	Organisation of African Unity
OHCHR	Office for the High Commission of Human Rights
OSCE	Organisation for Security Corporation in Europe
RP	Responsibility to Protect
SACDNU	Sudan African Closed District National Union
SCUK	Save the Children, UK
SSDDRC	Southern Sudan Disarmament, Demobilization, and Reintegration Commission
SSDM/A	South Sudan Democratic Movement/Army
SSIM	South Sudan Independence Movement
SSLA	South Sudan Liberation Army

SSNBHS	South Sudan's National Baseline Household Survey
TMC	Transitional Military Council
TVPA	Trafficking Victims Protection Act
UDHR	Universal Declaration of Human Rights
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNAMIS	United Nations Mission in the Sudan
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Funds for Women
UNMISS	UN Mission in South Sudan
UNODC	United Nations Office on Drugs and Crimes
UPDF	Uganda People Defense Forces
WAFF	Women Associated With Fighting Forces
WFCL	Worst Forms of Child Labour

## **PART I: INTRODUCING THE PROBLEM**

## CHAPTER 1: INTRODUCTION

### Overview of the Thesis

In international and political arenas human trafficking has commonly been perceived, albeit reluctantly, as one of the most widespread and fastest growing forms of transnational criminal activities<sup>1</sup> of modern times rivalling trafficking in illegal drugs and small arms (Kangaspunta, 2010, Kleemans, 2011, Lazaridis, 2001, Lee, 2011b). The *United Nations Human Trafficking Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*, also known as the *Palermo Protocol 2000*<sup>2</sup> *Supplementing the United Nations Conventions against Transnational Organised Crime* defines trafficking in persons, in Article 3 (a), as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the

---

<sup>1</sup> The UN Office on Drugs and Crime, available from: <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> (Accessed, 25 March 2014).

<sup>2</sup> This comprehensive definition, contained in the United Nations Convention against Transnational Organized Crime General Assembly Resolution 55/25, is also available from: [http://www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf) (Accessed, 15 June 2012).

prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs<sup>3</sup>.

The Palermo Protocol defines child trafficking as a crime involving the movement of persons under the age of 18 years for the purpose of exploitation regardless of whether the means set forth in Article 3 (a) cited above applies or not (Alpes, 2008, Gozdziaik and Collert, 2005). Any movement which renders a child vulnerable, regardless of the use of force or deception, constitutes a critical component of this definition. However, this definition of child trafficking in international trafficking law is problematic. The age bound and rigid Western-centric understanding of the terms 'child' and 'childhood' as those under the age of 18 years is restrictive and bears limited relevance to the practical realities regarding how the terms are traditionally and culturally perceived to be particularly in Sub-Saharan Africa. As for countries transitioning from war to peace and struggling to incorporate international counter-trafficking and child protection legal norms into their national legislations, they face practical difficulties in enforcing these international standards.

Nearly half of the victims of human trafficking are under the age of 18 (McCabe et al., 2010: 2). Table 1 provides a summary of a variety of reasons why children are routinely trafficked. These include commercial sexual exploitation, illegal adoption, illicit drug trafficking, theft, burglary,

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<sup>3</sup>This definition is contained in Article 3(a) of the Protocol. The full texts of the UN Human trafficking can be accessed from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

street begging, benefit frauds, bonded, forced or indentured labour, domestic servitude, soldiering, camel jockeying, organ extraction or ritual sacrifices (Erdelmann et al., 2005: 50, Silvia, 2006).

**Table 1: Trafficking related child exploitation**

<b>Main type of exploitation</b>	<b>Categories of children involved</b>
<ul style="list-style-type: none"> <li>• Commercial sexual exploitation (prostitution and production of child pornography).</li> </ul>	<ul style="list-style-type: none"> <li>• Mainly teenage girls; also some boys. Girls of 16 and 17 are trafficked into industrialised countries alongside adult women. In certain regions there is demand for younger children.</li> </ul>
<ul style="list-style-type: none"> <li>• Marriage.</li> </ul>	<ul style="list-style-type: none"> <li>• Teenage girls as mail order brides.</li> </ul>
<ul style="list-style-type: none"> <li>• Child Laundering</li> </ul>	<ul style="list-style-type: none"> <li>• Usually babies for adoption.</li> </ul>
<ul style="list-style-type: none"> <li>• Slavery or bonded labour.</li> </ul>	<ul style="list-style-type: none"> <li>• Bonded labour (children working in exchange for a loan provided to relatives).</li> <li>• Teenager agricultural workers kept in virtual captivity.</li> </ul>
<ul style="list-style-type: none"> <li>• Domestic servitude (rather than legal employment).</li> </ul>	<ul style="list-style-type: none"> <li>• Either mainly teenage girls or younger girls and boys recruited under the age of 10 years.</li> </ul>
<ul style="list-style-type: none"> <li>• Begging.</li> </ul>	<ul style="list-style-type: none"> <li>• Younger children – in worst cases deliberately maimed to provoke pity.</li> </ul>
<ul style="list-style-type: none"> <li>• Illicit activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Children used to carry out house break-ins or other theft or in drug trafficking.</li> <li>• Children used (in industrialised countries) for claiming social security payments.</li> </ul>
<ul style="list-style-type: none"> <li>• Hazardous child labour</li> </ul>	<ul style="list-style-type: none"> <li>• Children under 14 (too young in most countries to be in any form of employment) and older.</li> </ul>
<ul style="list-style-type: none"> <li>• Ritual purposes.</li> </ul>	<ul style="list-style-type: none"> <li>• Many young children below 10 years.</li> </ul>
<ul style="list-style-type: none"> <li>• Healthy organ trafficking.</li> </ul>	<ul style="list-style-type: none"> <li>• Any child below 18 years.</li> </ul>

The circumstances outlined above undermine the enjoyment of the child's fundamental freedoms and rights. The act of child trafficking is also in breach of international conventions and customary international laws protecting children.

## **Relevance of the study on child trafficking**

### **Global and international picture**

Child trafficking is a worrying social and political phenomenon afflicting thousands of people and thence the fabric of human society. Trafficking in human beings existed for centuries<sup>4</sup> and affects “at least 127 countries” (Salett, 2006: 1) either as source, host, transit countries, or performing all the three categories simultaneously. Since the early 20<sup>th</sup> century, human trafficking has been perceived to be expanding at different levels and fronts<sup>5</sup>. The annual global estimates of the number of trafficked persons range between 600,000 and 2,000,000 (ILO, 2005, United Nations Office on Drugs and Crime, 2006 , US Department of States, 2010). Of the total number of persons trafficked annually throughout the world, at least 80 per cent are perceived to be women and girls while 50 per cent, children. The International Labour Organisation (ILO) further suggests that over 2.4 million people are trafficked at any one time into various forms of involuntary exploitation (ILO, 2008). The ILO's International Programme on the Elimination of Child Labour (IPEC) further contends that out of 8.4

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<sup>4</sup> Since the early 20<sup>th</sup> century, the international community adopted several human trafficking treaties and protocols. These will be critically examined in Chapter 2 of the thesis.

<sup>5</sup> Critical analyses of the international human trafficking treaties and protocols dating back to the beginning of the 20<sup>th</sup> century are discussed in Chapter 2 of the thesis.

million children exploited in “unconditional worst forms of child labour”, 1.2 million are victims of trafficking (ILO, 2002). The ILO’s estimates of the number of child victims of trafficking corroborates the data from the United Nations Children’s Fund (UNICEF) on child victims of internal and cross-border trafficking (UNICEF, 2005). Trafficking in human beings generates huge annual profits estimated to be between U.S \$ 9.5 billion (Wyler and Siskin, 2010) and U.S \$ 32 billion (ILO, 2005). It is argued that the sex industry accounts for the greatest share of the profits (Hughes, 2005).

Human trafficking scholars suggest that the available data on human trafficking are not based on concrete, reliable and comparable data (Cwikel and Hoban, 2005b, Laczko, 2005a, Laczko and Gramegna, 2003, Lange, 2011, Macklin, 2003). As a result, there is high level of variability and unreliability in the global human trafficking data<sup>6</sup>. The data variability among various organisations, institutions and researchers have been attributed to several factors including the secretive and clandestine nature of the phenomenon, lack of uniform international standards, definitional and legal challenges, lack of a common theoretical foundation on the subject, difficulties arising from methodology used in data collection and persistent polarisation of the human trafficking discourse. In order to attain a proper understanding of the prevalence, manifestation, implications and best mechanisms of countering the problem of human trafficking, Laczko opines that researchers need to develop and apply appropriate and

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<sup>6</sup> Kelly describes the available human trafficking statistics as “guestimates”. See Kelly, L. (2002) *Journey of Jeopardy: A Commentary on Current Research on Trafficking of Women and Children for Sexual Exploitation Within Europe*. (IOM Migration Research Series) Geneva: IOM.



standardised tools for data collection (2002: 24). Although significant progress to bridge the information gap has been made in the human trafficking scholarship (Anderson, 2007, Kelly, 2002, Laczko and Gramegna, 2003) more efforts are still required.

The perceived growth in the human trafficking industry is mainly facilitated by the ever increasing demand for and inexhaustible global supply of vulnerable people. The demand for trafficked and exploited labour in a competitive global economy is driven by consumers' preference for cheap goods and services (Aronowitz, 2009). As for sex trafficking, it thrives because sexual services have become easily available and accessible. Besides, human trafficking is a highly hidden phenomenon and its victims are reluctant or unable to speak-out. These factors make the phenomenon difficult to detect and combat. The other factor relates to globalisation. The process of globalisation has opened up international borders, significantly reduced the physical distances across time and space, expanded financial and transport infrastructures and minimised the cost of providing services. The advent of new technologies in transport, communication and information sectors has facilitated easy information flows, movement of people and financial resources across international borders than ever before. Even when human trafficking is not regarded as an outcome of globalisation, it is part of the process that involves a functional integration of disperse economic activities (Hobbs and Dunnigham, 1998, Mirkinson, 1997, Jones et al., 2007, von Struensee, 2000). Human trafficking is also a highly profitable venture due to the fact that it does not require high

start-up capital and involves minimal risk. Moreover, trading in human beings has comparative advantage over drugs and arms trafficking; unlike trading in drugs or arms, traffickers can sell human beings repetitively (Bales, 1999 , Bales, 2005).

But none of the factors facilitating the growth of human trafficking highlighted above can function in the modern world “without the complicity of law enforcement officers and the corruption of the people in the source, transit and destination countries” (Shelley, 2010:6). Shelley opines that for criminality to function effectively, the perpetrators cultivate trust and close links with complicit law enforcement officers. Her main concern is how networks of criminality involving both state actors and human traffickers can undermine and destabilise the integrity of a democratic state and its socio-economic and political order. In Chapter 2 of the thesis, I provided an elaborate discussion on how human trafficking and organised crime are intertwined.

### **Relevance of trafficking to the African context**

In Africa, the manifestation of the problem of human trafficking became more visible to policy makers in the 1990s when several intrastate conflicts emerged<sup>7</sup>. The prevalence of intra-state conflicts and the

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<sup>7</sup> This period coincided with the end of the bipolar world of the Cold War during which over 60 civil wars were fought throughout the world in just less than two decades, most of which in Sub-Saharan Africa. The intra-state conflicts exhibited common characteristics: unusual ‘longevity’; ‘uncoordinated’ and ‘poorly organised’ rebel organisations, ‘severe’ battle signatures with heavy ‘civilian casualties’ and ‘huge losses’ onto the economy; violation of human rights; relative deprivation of one group by the other; manifesting deep rooted animosity, ancient hatred and violence between communities; a legacy of trade shocks and insurrections; income inequality, or class warfare.

incidence of child trafficking in many parts of the world and particularly in Sub-Saharan Africa (SSA) are not coincidental occurrences. Examples of conflict induced child trafficking in SSA can be drawn from the literature on civil wars in Liberia, Sierra Leone, Mozambique, Angola, the Democratic Republic of Congo (DRC), Chad, Mali, Cote D'Ivoire, Uganda or South Sudan. The literature<sup>8</sup> reveals how child trafficking follows patterns of insecurity, instability and collapse of law and order.

Human trafficking severely affects one-third of the countries in the West African region (UNICEF, 2003: 9-10). Truong (2006) and IOM (2002) highlight how human trafficking of adult women from West Africa to Western Europe since the 1980s gradually expanded to include trafficking of minors of both sexes. The cross-border trafficking, mainly facilitated by agents, has been attributed to the erosion of social protection as poor and vulnerable people are increasingly compelled to find livelihood options outside their communities. According to ILO-IPEC (2002:29), intra-state

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<sup>8</sup> Familiar examples and scholarly discussions feature prominently on writing about and sex trafficking and abuses in and around peacekeeping missions. See, for instance, Crossette, B. (2003) Peacekeeping's Unsavory Side *The Atlantic Online* [Electronic]. Available from: <http://www.theatlantic.com/past/docs/foreign/unwire/crossette2003-06-10.htm> (Accessed 22 July 2014), Highgate, P. (2004) Gender and Peacekeeping Case Studies: The Democratic Republic of the Congo and Sierra Leone. In: Iss (ed.) *ISS Monograph*, Otto, D. (2007) Making sense of zero tolerance policies in peacekeeping sexual economies In: Munro, V. and Stychin, C. (eds.) *Sexuality and the Law*. Abingdon: Routledge-Cavendish, pp. 259-282; child soldiering young girls and women associated with fighting forces (see: Eichstaedt, P. (2009) *First Kill Your Family: Child Soldiers of Uganda and the Lord's Resistance Army*. Colorado: Lawrence Hill Books, Singer, P. (2003) Fighting Child Soldiers. *Military Review*, 83 (3), pp. 26-31, International Organization for Migration (2003) *The Trafficking of Women and Children in the Southern Africa Region. Presentation of Research Findings*. Pretoria: IOM. Available from: [http://www.rcmvs.org/documentos/IOM\\_EMM/resources/IOM\\_SAfricaTrafficking.pdf](http://www.rcmvs.org/documentos/IOM_EMM/resources/IOM_SAfricaTrafficking.pdf) , Alfredson, L. (2002) Child soldiers, displacement and human security. *Disarmament Forum*, 3, pp. 18-26, Beah, I. (2007) *A Long Way Gone: Memoirs of a Boy Soldier*. New York: Farrar, Straus and Giroux, Briggs, J. (2005) *Innocents Lost: When Child Soldiers Go to War*. New York: Basic Books , Sullivan, J. P. (2005) Child Soldiers: Warriors of Despair. *Small Wars Journal*, 2, pp. 36-42.

conflicts contribute to child-specific demand in a variety of exploitative conditions in SSA. Conflicts facilitate the demand for child labour in domestic servitude, commercial sexual exploitation, entertainment and service industries, hazardous economic activities and intra-state conflicts where they serve as child soldiers, support staff, mine sweepers, human shield and sex slaves. Some children are also targeted for adoption, marriage, internal organs and ritual purposes. But why is child trafficking persistent in most of SSA? Why have the international customary laws failed to protect children from trafficking?

As highlighted earlier, the international understanding of the term 'child' and 'childhood' is problematic. The age bound and rigid Western-centric understanding of the term 'child' and 'childhood' as people under the age of 18 years contradicts the practical realities regarding their traditional and cultural perceptions in Sub-Saharan Africa. Although David Francis (2007: 2) cautions against attempting to generalise Africa as a homogenous entity, his argument that common traditional and socio-cultural perceptions of childhood applies in most of the continent is instructive. Francis notes that childhood in the African context fails to conform to the Western-centric, globally accepted age limit of 18 years because of various social and cultural determinants. In some societies in SSA "the distinction is blurred between adolescent age of 14 years and upwards, to the age of young adult and/or younger than 18" (Francis, 2007:13). Thus the conceptual variations of childhood based on various sociological constructions in much of Africa make the application of the

international customary laws, conventions and treaties for protecting children bear limited relevance.

Truong (2006) further contends that contemporary discussions on the human trafficking in Africa especially of women and children reveal a number of tensions at many levels. Firstly, terms such as 'trafficking', 'abduction' and 'sale of children' or 'consent' frequently used in human trafficking discourse are embodied with multiple meanings. Turong observes that:

Even the term consenting party is controversial with regard to the involvement of children and parents, and sometimes children in the decision making process. A criminalisation approach could ... impose penalty on the entire community (Turong, 2006: 74).

Secondly, tension between human rights norms and 'tradition' is a significant factor responsible for the failure of States to integrate human rights norms that protect victims' interests into national counter-trafficking legislations. Yet at another level, lack of legal definition of human trafficking in some States' judicial systems coupled with structural weakness of the judicial institutions undermine counter-trafficking policies and responses. Thirdly, the application of the international Western-centred counter-trafficking and child protection legal norms are weak especially in countries transitioning from war to peace and struggling to incorporate them into their national legislations. These challenges pose

practical difficulties to the enforcement regime of international standards for protecting children.

Veil (1999) asserts that many social and cultural factors in SSA significantly influence the phenomenon of child trafficking and re-trafficking. In SSA, child trafficking exists at some junctions of broader social processes that disrupt livelihood systems and undermine their sustainability. These include poverty which drives poor parent to 'sell' away their children in the hope that they will be treated well, the cultural practice of child 'placement' in return for money, 'bonded placement' of children for reimbursing debts owed by parents, commercialized enrolment of children with agents for domestic servitude and child abduction. All these socio-cultural factors can potentially lead to various forms of exploitation.

In contrast to Veil's assertion on the cultural practice of child placement, Dottridge and Weissbrodt (2002) contend that 'placing' a child with any person, sometimes a relative, who has gained 'trust' of the parents does not constitute 'selling' of the child. Rather in the cognitive mindset of parents, sending a child away is a means of providing him/her with better future economic opportunities. Poverty is thus viewed as the main driver influencing parents to 'consent' to child placement. The traditional practices of child 'placement' with relatives or friends appear acceptable in some communities but it is susceptible to be corrupted by exogenous factors that commercialise it. But does the traditional practice of child placement fit within the international trafficking framework? Organisations

such as Anti-Slavery International, Terre des Hommes and Human Rights Watch argue that because human trafficking in Sub-Saharan Africa is embedded in social relations and is diverse, these peculiarities may fail to entirely fit within the international definition of human trafficking. Unlike the international trafficking norm which relies on the model of transnational trafficking associated with large networks of organised crimes, trafficking in some parts of Sub-Saharan Africa is conducted mainly by individuals or small, family-related networks and institutions which may not necessarily involve cross-border movement of people. In Burkina Faso, Mali and Senegal, for instance, many fostered children (mainly boys) are routinely exploited by their masters under 'disguised' religious education in Quranic schools – *talibés*<sup>9</sup>. Although it is argued that the activities children attending *talibés* undertake are part of Islamic cultural practice meant to instill a sense of responsibility and charity in children at an early age, the exploitative nature of the 'work', such as street begging for the 'teachers', raises concerns regarding subjecting the vulnerable children to the Worst Form of Child Labour (WFCL). The acts also reveal an emerging intersection between the cultural practice of child fostering/placement and child trafficking. The ILO classifies child trafficking as one of the Worst Form of Child Labour (ILO, 1999). In the data presentation section of the thesis (See Table 8 in Chapter 4), I illustrated the link between child work, child labour and the Worst Form of Child Labour.

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<sup>9</sup> The Human Rights Watch suggests that up to 50,000 children attending Quranic schools (*talibés*) in Senegal are subjected to slavery and slave-like practices. For more information, see Human Rights Watch (2010) *Off the Backs of the Children: Forced Begging and Other Abuses against Talibés in Senegal*. Available from: <http://www.hrw.org/sites/default/files/reports/senegal0410webwcover.pdf> (Accessed 20 June 2011).

Dottridge (2004: 8) identifies the main child vulnerability factors influencing their trafficking in most West African countries as intra-household decision making, 'tolerance' of trafficking, improper handling of victims and socio-cultural values that stigmatise vulnerable community. Some of these vulnerability factors may make former victims of trafficking reintegrated into the community to be vulnerable to re-trafficking. Although re-victimization may imply that the traditional norms of accountability fail to hold in the community as social protection systems may no longer work, analysis of how the Trafficking Protocol applies to trafficked victims points to an apparent lack of reference to a specific clause on prevention of re-victimisation. Counter-trafficking legislations that have less regard for victims of trafficking hardly address the root cause of the problem.

In Eastern and Southern Africa regions, human trafficking affects one in three countries (UNICEF, 2002: 7) with perpetrators being both nationals and transnational organized criminal groups. Molo Songolo (2000) – a Cape Town based child rights organization – suggests that the increase in demand for commercial sex has propelled both internal and cross-border child trafficking into, within and from South Africa. Inter-continental and intra-regional child trafficking networks and routes are linked to the current sophisticated global sex industry and span across many nations. Some of the countries affected by intra-regional and transnational regimes of child trafficking include Angola, countries in the Africa's Great Lakes region, Mozambique, Lesotho, Malawi, Russia, Eastern Europe, Thailand, China and Taiwan (IOM, 2003b). The South African child trafficking phenomenon



reveals how vulnerability and demand for trafficked children are gendered. Girls are more vulnerable to trafficking than boys because they are on high demand by single men, gangs and crime syndicates as brides, and because they can be abducted and held at ransom or prostituted. Although children of both sexes face risks of sexual exploitation, the challenges the girl child faces are often disproportionately high.

### **Global response to human trafficking**

Vast evidence in the academic literature depicts existing efforts and commitments by state and non-state actors at international, regional and national levels to address the problem of trafficking in human beings<sup>10</sup>. It traces anti-trafficking initiatives to the beginning of the 19<sup>th</sup> century and how the discourse has since been high on the agendas of the international community, governments, civil society organisations, activists and researchers. From the inception of the 1904 Agreement until the adoption of the 1949 Convention, the human trafficking discourse centred mainly on the perspective of gender with reference to prostitution. Although trafficking can be traced to the times of slavery and slave trade, the

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<sup>10</sup> See selected related literature by Smith, C. A. and Smith, H. M. (2011) Human Trafficking: The Unintended Effects of United Nations Intervention. *International Political Science Review*, 32 (2), pp. 125-145, Laczko, F. (2002) *Human Trafficking: The need for Better Data*. Data Insight: Migration Policy Institution, Shelley, L. (2010) *Human Trafficking: A global Perspective*. Cambridge: Cambridge University Press, Aronowitz, A. A. (2009) *Human Trafficking, Human Misery: The Global Trade in Human Beings*. West Port, CT: Praeger Publishers, Breuil, B., Siegel, D., van Reenen, P., Beijer, A. and Roos, L. (2011) Human trafficking revisited: legal, enforcement and ethnographic narratives on sex trafficking to Western Europe. *Trends in Organized Crime*, 14 (1), pp. 30-46, Lee, J. J. (2005) Human Trafficking in East Asia: Current Trends, Data Collection, and Knowledge Gaps. *International Migration*, 43 (1-2), pp. 165-201, Picarelli, J. (ed.) (2009) *Human trafficking & Organised Crime in the US & Western Europe*. Vienna: National Defense Academy and Austrian Ministry of Defence and Sports, McGill, C. (2003) *Human Traffic: Sex Slaves and Immigration*. Vision.

preceding international Agreements appreciated its wider implications to all gender and races. Initially, the abolitionist stance on prostitution found much support in the international trafficking Conventions but more recently human rights instruments and the latest UN Trafficking Protocol adopted in 2000 (Palermo Protocol) provide a broader view of trafficking beyond prostitution or sexual exploitation.

Since 2000, several other global, continental, regional and national counter-trafficking initiatives were initiated. The Crown Prince of Abu Dhabi, on behalf of the United Arab Emirates' General Shaik Mohammed bin Zayed Al Nahyn, launched a \$15 million counter-trafficking grant initiative in 2007 that led to the establishment of a special UN global counter-trafficking governance unit, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) (Aronowitz, 2009:145-151). The United Nations Office of Drugs and Crime (UNODC), UNICEF, the International Organisation for Migration (IOM), the International Labour Organisation (ILO), the Office for the High Commission of Human Rights (OHCHR) and, the Organisation for Security Corporation in Europe (OSCE) jointly manage UN.GIFT. The UN.GIFT governance framework perceives human trafficking as a very serious transnational crime which undermines the ability of the state to successfully deal with the problem on its own. To enhance efficacy in the global fight against human trafficking, UN.GIFT encourages states to create an ambience for 'partnership' which allows state-state partnership; partnerships between state and non-state

actors (civil society organisations, the private sector, media and academia) and partnerships amongst non-state actors.

The Vienna Forum to Fight Human Trafficking adopted the UN.GIFT partnership framework in 2008 and expanded the conceptualization of anti-trafficking frameworks from the original premise of 3Ps – prevention, protection, prosecution – to incorporate the fourth P, for partnership. Against this backdrop, UN.GIFT and the Vienna frameworks guide actions for international organisations, national and local NGOs and governments in co-production of knowledge on human trafficking, strategic policy advocacy, legislative reviews, tailor-made training courses and provision of protection assistance to trafficked victims (Aronowitz, 2009:146).

At international, transnational and regional scenes, however, several counter-trafficking laws and initiatives have also been initiated. The United States Department of States global programme for monitoring the current state of trafficking in persons produces annual Trafficking in Persons (TiP) reports for each country. Interpol, UK SOCA liaison officers, UK Border Agency liaison officers, FBI, Australia Federal Police, EUROPOL, UN Police Division are some examples of regional institutions directly involved in counter-trafficking (Bowling, 2009:153). At national levels, several nations have established specialised anti-trafficking institutions and organisations with coordinating and reporting systems. National institutions which deal with the problem of human trafficking include the national rapporteurs of The Netherlands, Office to Monitor and Combat Trafficking in Persons of the US, the National Agency for the Prohibition of

Traffic in Person and other Matters (NAPTIP) of Nigeria and the Trafficking Watch Group of the Philippines. Because not all states are able to set national systems for coordinating counter-trafficking programmes, human trafficking experts routinely provide expert advice and open-source counter-trafficking materials and documents to policy makers, implementers, civil society organisations and law enforcement agencies.

In Sub-Saharan Africa, some regional governments, individually and collectively have made legal reforms to address the problem of human trafficking. In 2000, 21 countries from Western and Central Africa signed the Libreville Common Platform of Action of the Sub-regional consultation of the Development of Strategies to Fight Child Trafficking for Exploitative Labour Purposes in the regions. The Economic Community of West African States (ECOWAS) adopted the region's Declaration of Actions Against Trafficking into the 'ECOWAS Plans of Action' in 2001 and was endorsed by 15-member states. The Common Platform of Action and ECOWAS Plans of Action provide recommendations to governments to incorporate legal reforms into their national frameworks and institutionalise counter-trafficking responses. With technical support from ILO and UNICEF, Western and Central Africa member states met in 2002 and further discussed the feasibility of adopting a sub-regional convention on trafficking. In 2006, African governments adopted a regional anti-trafficking framework called the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children. In spite of the fact that many regional governments entered into bilateral counter-trafficking

agreements<sup>11</sup>, variations exist in the manner in which international and regional agreements have been incorporated into national legislations. For instance, Togo, Mali, Benin and Cameroon entered into an agreement which regulates travels of children below the age of 14 years. Because Togo does not have anti-trafficking law, it uses parallel legislations for prosecuting human trafficking offences. In the Southern Africa region, with the exception of South Africa, most of the countries have not yet incorporated anti-trafficking laws into their domestic legislations. This means that when confronted with the problem of cross-border trafficking they invoke illegal migration framework to address the problem of trafficking yet it mostly criminalises victims of trafficking rather than those in the human trafficking process.

As observed in the preceding section, it should be noted that states which have not been able to ratify the international human trafficking protocols are unable to fully address the problem of human trafficking in line with the international legal frameworks as they invoke other legal framework to address the criminal nature of the phenomenon. Invoking other related laws in the absence of national legal counter-trafficking frameworks implies that the international counter-trafficking norms become less relevant in such states.

The definition of human trafficking in international law is considered broad but the ILO-IPEC suggests that the definition is inevitable and legitimate

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<sup>11</sup> The regional and bilateral counter-trafficking agreements in West and Central Africa include: Ghana, Togo, Benin and Nigeria (signed in 1996); Togo and Benin (signed in 2001); Togo, Cameroon, Benin, Burkina Faso, Mali; and Mali's national commission that focuses on Mali and Cote d'Ivoire.

and should not be perceived as reflecting any confusion or disagreement. The flexibility in conceptualising the human problem is aimed at accommodating various institutional objectives and contextual requirements. UNICEF (2003) contends that the variations in perceptions of human trafficking and socio-economic and political contexts in Sub-Saharan Africa create a mixture of counter-trafficking policy responses<sup>12</sup>. Based on the complexity in understanding and countering the problem of human trafficking highlighted above, the need to contextualise human trafficking debate therefore becomes significant.

### **Relevance of the research on child trafficking to South Sudan**

As highlighted above, the problem of human trafficking affects nearly all nations including SSA. The emergence and rise of intra-state conflicts in most part of the world engender negative outcomes to the affected communities. Wars create ambience for human trafficking operations that underpin a spectre of human rights violations, which I will discuss in Chapter 3. The surge of human trafficking against the backdrop of intrastate conflicts, and in the period following resumption of peace generally provides areas of interest for academic inquiry. In spite of the increase in human trafficking scholarship, no much attention has focused

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<sup>12</sup> The four main areas of focus of counter-trafficking responses in Sub-Saharan Africa have been on: a) creating community awareness, b) making legislative and policy reforms for protecting victims of trafficking and prosecuting offenders, c) enhancing human capacities of border police, law enforcement officers and social workers through trainings; and d) offering direct support to victims of trafficking through their interception, rescue, repatriation and socio-economic reintegration.

on child trafficking particularly in the contexts of countries emerging from civil wars.

There is also a tendency of the existing body of literature on human trafficking to be selective and analytically narrow focused. Most literature which emphasises victimization of women and children misses out the analyses of the attributes of victims such as age and social status. Consequently, anti-trafficking policy interventions are selective and reflect the analyses and strategic interest of the actors. South Sudan, a country emerging from one of Africa's longest running and most brutal civil wars, presents an important context worthy of such an inquiry, more so, in understanding how counter-trafficking functions. The Sudanese North-South civil wars had severe socio-economic, political, physical and emotional ramifications on children including facilitating their abduction, trafficking and enslavement. After the end of the civil war through a negotiated peace agreement, there was general optimism that the realisation of peace would greatly guarantee the safety and the rights of the child in post-independent South Sudan, especially from the risk of trafficking. Contrary to this assumption, trafficking of children continues to occur in the post-independence period.

Another issue that anti-trafficking policy researchers (Peters, 2004, Rochefort and Rogers, 1994, Yanow, 2000, Cobb and Ross, 1997) point out is that the framing of any social problems greatly influences the design of policy responses. Political will and decision thus become paramount in determining responses and outcomes of measures designed to address

social problems. Therefore, this study aims at deepening the debate on the construction of the problem of child trafficking in the political and expressive discourse in South Sudan. By addressing the central research questions, the thesis contributes to the body of existing knowledge on the child trafficking literature as a social problem confronting, more broadly, the human security of the conflict affected society following a protracted civil war.

Moreover, the problem of child trafficking in a post-conflict region is a complex subject whose knowledge base provides theoretical value to academics and practitioners. Conflict-affected state institutions are dysfunctional and unable to enforce the rule of law and that merits further investigation on the dynamics, patterns and how some of the issues can be addressed during the post-peace agreement structures. Such knowledge is relevant to national governments in the source areas or countries affected by the problem in order to provide a deeper reflection and clearer focus on relevant anti-trafficking response mechanisms. The research context specifically offers a unique opportunity to researchers interested in exploring the intersection of child trafficking with rights and human security. The study contributes to the ongoing debate on child trafficking from a rights-based perspective and human security theoretical framework.

Whilst child trafficking scholarship has been highly successful in engendering public concern and eliciting social actions against the problem across the globe, recent analyses and reporting on its nexus with



civil wars tended to focus more on traditional forms of trafficking and obvious victims; women and children for sexual exploitation, prostitution and/or slavery. Evidence emerging from the academic literature further suggests that intra-state conflicts significantly influence children's vulnerability to trafficking and re-trafficking<sup>13</sup>. The Sudan's north-south civil war,<sup>14</sup> one of the longest running and most brutal in Africa's recent history, was characterised by widespread abduction, trafficking and modern day slavery of women and children during the 1980s (Amnesty International, 2011, GoSS, 2009, Alier, 1990b, Woodward, 1990, lyob and Khadiagala, 2006, US Department of State, 2010). As scholars (Johnson, 2003a, Jok, 2001b) observed, conflict-related child trafficking accounts, stories and reports – both academic and non-academic – mesmerise graphic images

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<sup>13</sup> These claims are supported by numerous writings on child soldiering; Eichstaedt, P. (2009) *First Kill Your Family: Child Soldiers of Uganda and the Lord's Resistance Army*. Colorado: Lawrence Hill Books, Singer, P. (2003) Fighting Child Soldiers. *Military Review*, 83 (3), pp. 26-31, IOM (2003c) *The Trafficking of Women and Children in the Southern Africa Region. Presentation of Research Findings*. Pretoria: IOM. Available from:

[http://www.rcmvs.org/documentos/IOM\\_EMM/resources/IOM\\_SAfricaTrafficking.pdf](http://www.rcmvs.org/documentos/IOM_EMM/resources/IOM_SAfricaTrafficking.pdf) , Alfredson, L. (2002) Child soldiers, displacement and human security. *Disarmament Forum*, 3, pp. 18-26, Beah, I. (2007) *A Long Way Gone: Memoirs of a Boy Soldier*. New York: Farrar, Straus and Giroux, Briggs, J. (2005) *Innocents Lost: When Child Soldiers Go to War*. New York: Basic Books , Sullivan, J. P. (2005) Child Soldiers: Warriors of Despair. *Small Wars Journal*, 2, pp. 36-42., young girls and women associated with fighting forces (WAFF) and sex trafficking in and around peacekeeping missions Amnesty International (2004) *So does that mean I have rights? Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*. Amnesty International. , Tritaki, P. (2003). Peacekeepers and Sex Trafficking: Supply and Demand in the Aftermath of the Kosovo Conflict. Unpublished thesis in the Faculty of the Fletcher School of Law and Diplomacy.

<sup>14</sup> Sudan, before its separation into two countries in 2011, has been unstable since attaining its political independence in 1956. The process of its state formation and consolidation has been marred by years of bitter civil wars between the northern political contenders and the southern counterparts. Notably, the two main wars were fought between the Khartoum government based in the north (comprising largely of Arabs and Muslims of African origin) and southern based Sudanese Peoples Liberation Army (predominantly comprising of the African blacks and animists). The first civil war was waged between 1955 and 1972 while the second one raged from 1983 to 2005. The civil wars officially ended on 9 January 2005 through the signing of a Comprehensive Peace Agreement (CPA). The analysis of the political history of South Sudan is covered comprehensively in Chapter 3 of the thesis.

of violence, vulnerability and exploitation and warnings of its possible culmination into the post-war era. Although the grey literature on South Sudan raises further concerns regarding the re-emergence of child trafficking (Groenendijk-Nabukwasi and Veldwijk, 2011; ILO, 2009; United State Department of State, 2012, 2013), it fails to clarify why the problem is persistent in the country.

The Government of South Sudan (GoSS) incorporated some international legal norms relevant to child rights into its national legislations<sup>15</sup> and continued to receive technical support from specialised UN Agencies and civil society organisations to address the problem of human trafficking in the country. The Government's current counter-trafficking interventions are making significant strides in creating public awareness to the problem of trafficking in the country but have not succeeded in ending the problem. This implies that the existing normative frameworks and responses could be insufficient. The persistence of the problem of child trafficking in post-conflict South contradicts the assumption which (Jok, 2001b) and other Sudanists held that the modern-day trafficking and enslavement of children is a mere by-product of modern warfare. The contemporary child trafficking is more complex than what we could possibly know. Its persistence raises deeper questions which the current trafficking literature fails to address: How do post-conflict dynamics influence, sustain or confront the problem of child trafficking? This is the main task the thesis seeks to explore.

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<sup>15</sup> The rights of the child are embedded in the Transitional Constitution of Southern Sudan and The Child Act, 2009.

The main objectives of the study are to establish what child trafficking in post-liberation South Sudan entails; to examine the main vulnerability factors influencing child trafficking in post-conflict South Sudan; to explore the manifestations and implications of post-conflict child trafficking and, to examine the agency of both State and non-State actors in addressing the problem.

The central thrust of the thesis, therefore, is to critically examine how the problem of child trafficking is addressed in South Sudan. The need for this line of inquiry is informed by the limited theoretical interpretations within the child trafficking frame in the post-conflict<sup>16</sup> trafficking literature on South Sudan.

## **Research methodology**

A research methodology is an approach chosen to study a particular phenomenon; the justification of the approach for weaving the research together; the rationale behind the choice of specific methods of data collection and analysis; and, provision of clarity on how the research will be conducted (Kothari, 2011, Kumar, 2008, Robson, 2002, Silverman, 2003). Thus, a research methodology embodies research methods, the selection of case study, research sample and sampling techniques,

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<sup>16</sup> With reference to South Sudan, we ought to be cautious of the implication of romanticising the context as 'post-conflict', as it risks oversimplifying the actual situation in the field when it is assumed to imply a lasting ceasefire and a reduction in violence. I borrow the understanding of the term 'post-conflict' understanding from White (2005: 466) who describes it as the replacement of armed conflict by the beginning of a peace process. Several peace processes were involved to end the Sudan's north-south civil wars. The thesis considers 'post-conflict' South Sudan to commence from the date of signing the Comprehensive Peace Agreement in 2005.

methods of data collection and analysis which can be carried out through a qualitative or quantitative approach. The selection of methods in any piece of research also requires that, as a researcher, I situate myself within broader philosophical approaches to knowledge.

In this study, I chose to use a qualitative research design and draw upon the philosophical underpinnings of social constructivism as an approach to epistemology. My application of social constructivism, as will be explained below, is based on its fundamental tenets that believes that knowledge is constructed through our everyday social interactions with one another as opposed to being an outcome of objective observations (Burr, 2002). The constructivist approach to epistemology provides a critical stance towards taken-for-granted knowledge, how we perceive the world and ourselves to be. It also reminds us of being critical of conventional knowledge such as observation and not to regard it as unproblematic, unbiased or objective. A social constructivist approach is a call for us to ever be suspicious of our own assumptions. Besides, it reminds us of the need to critically examine and understand meanings of social phenomena. As an epistemology, social constructivism believes that knowledge has cultural and historical specificities.

The principle aim of this research is to explore why the problem of child trafficking is persistent in South Sudan and how the problem is being addressed. Specifically, the thesis critically analyses how the problem of child trafficking is constructed, conveyed and reproduced in South Sudan, its main drivers, manifestations and implications, the current counter-

trafficking responses and implication of child trafficking to theory construction and/or building.

This thesis is thus driven by two research hypotheses. First, I hypothesise that the problem of child trafficking in South Sudan is persistent due to the inability of the state to enact a national anti-trafficking legislation. The hypothesis is based on the assumption that because South Sudan is a new nation emerging from decades of civil wars, it has not yet been able to constitute state structures which are able to deal with the challenges associated with guaranteeing the safety and rights of its citizens through ratifying international anti-trafficking law and sub-regional child protections instruments. In addition, I hypothesised that the current counter-trafficking approaches employed by both state and non-state actors in South Sudan are uncoordinated and thus fail to guarantee the rights and safety of the child.

The research methodology driving this research is premised on the philosophical underpinnings of social constructivism. Social constructivism is appropriate in understanding the meaning of social phenomena under investigation (Gergen, 2003<sup>15</sup>) and how data is generated. As Gould and Kolb argue, when social constructivism is employed self-consciously and critically it “constitutes a legitimate and frequently invaluable device for analysing and explaining human behaviour” (Gould and Kolb, 1964: 134). Its emphasis on the importance of culture and context is relevant in searching for a deeper understanding of how meanings and knowledge are constructed in society.

In addition, the thesis adopts a social constructivist approach based on the idea that the *truths* about child trafficking are not simple, universal or transparent. The intention of the thesis is to problematize the 'problem' of child trafficking in order to determine the way in which it comes to be constituted as a serious social concern leading to various response mechanisms in the research context. When the discourse of 'child trafficking' is approached uncritically as it is always treated in the mainstream dominant discourse, it results in dogmatic forms of intervention, with very little impact on the victims whom the interventions are intended to protect. The question regarding the abusive nature of child trafficking thus helps us, as Lather argues, 'to think more about how we think' (Lather, 1989).

Parton, Thorpe and Wattam suggest that constructionist researchers "are concerned with trying to account for the emergence, maintenance, history and conceptualisation of what is defined as child abuse" (Patton et al., 1997: 70). Besides, they note that the aim of social constructivism is neither to undermine different worldviews nor to suggest that the world does not exist but:

It involves no more than the supposition that to speak of 'what passes knowledge in society is to give an account of the nature of knowledge' ... rather it is to keep a clear methodological position which directs attention to how the term 'works' in a given culture (Patton et al., 1997: 72-73).

Whereas social constructivism can be applied to deepen a researcher's understanding, I anticipated that the application would have some limitations in the data gathering and interpretation as knowledge would constantly be mediated by both the researcher and the respondents. In social constructivism, knowledges and the voices of the research participants are often strategically influenced by individual interests and values that interact with the social environments. Consequently, researchers, therefore have to be cautious about the unequal relationship between them and the respondents particularly where language and power relations are socially constructed. I was also cognisant of the fact that interacting with the participants was also going to be dependent on their levels of involvement including actions such as silences, withdrawal from interviews, pauses and misunderstandings that would have otherwise impact the outcomes of the interactions. Nevertheless, I ensured that we engaged in dialogues that enabled the interview process to be transformative and addressed the issues under investigation.

This is precisely the endeavour this thesis undertakes, specifically in relation to child trafficking. It consists of an examination of 'what passes for knowledge' in a situation where child trafficking has been 'knowledgeed into being' as the means to make sense of the problem. It seeks to do this by identifying, describing and explicating the discourses through which this knowledge has been constituted, and is currently being promoted, transmitted and maintained.

## **Research design**

I conducted the empirical data collection in Juba County, South Sudan for a period of three months in June, July and December 2010. In addition, I utilised qualitative case study research design as the most suitable approach for guiding an in-depth investigation of the construction of singularised 'truth' pertaining to the narrative of danger associated with the phenomenon of child trafficking. The research design offers a worldview or the basic set of beliefs which inform the methodology and methods of this study. Yin (2003: 13) defines a case study as "an empirical inquiry that investigates a contemporary phenomenon within its real life context, especially when the boundaries between the phenomenon and contexts are not clearly evident".

This exploratory empirical research is informed by the core research questions, the nature and location of the research context and the categories of research participants who participated in the study.

## **Research sample and sampling procedure**

In this qualitative study, I adopted a multistage purposive sampling procedure that involved selecting the research context, Juba County, from Central Equatorial state, *Payams*, *bomas* and quarter councils<sup>17</sup> in Juba County from which 25 respondents were selected. In the first stage, Juba County was purposively selected on the basis of its location as the

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<sup>17</sup> Payams, bomas and quarter councils are smaller administrative units in South Sudan.



administrative capital of South Sudan and the headquarters of the Central Equatorial state and also as a cosmopolitan city.

I purposively selected four Payams from a total of fifteen Payams in Juba County. Table 2 below shows the different ethnic communities that predominantly live in each of the Payams in Juba County. Of the 15 Payams, the four Payams purposively selected are Juba town, Kator, Munuki and Rejaf. Juba town Payam is the central business district in the County that comprises of mixed ethnic identities. Kator, Munuki and Rejaf payams represent sites with high incidences of child exploitation in various sorts of economic activities. All the selected payams have mixed ethnic identities except Rejaf which is inhabited mainly by the Bari ethnic community.

**Table 2: Payams in Juba County, South Sudan**

<i>S/No</i>	<i>Payam</i>	<i>Ethnicity</i>
1.	Juba town	Mixed
2.	Kator	Mixed
3	Munuki	Mixed
4.	Rejaf	Bari
5.	Bungu	Bari
6.	Dollo	Nyangwara
7.	Mongalla	Bari
8.	Northern Bari	Bari
9.	Lobonok	Bari
10.	Rokon	Nyangwara
11.	Ganzi	Bari
12.	Liniya	Lokoya
13.	Lokiliri	Luluba
14.	Tijor	Pojulu/Nyangwara
15.	Wonduruba	Pojulu

In addition, I purposively selected a total of twenty-five research participants (13 males, 12 females) comprising of practitioners, government employees and key informants based on their direct role in enhancing child rights. The table below shows the summary of the lists of selected respondents who participated in the study. Upon selecting the research participants, a gender pattern emerged: more male than female officers occupy senior government leadership positions unlike in the civil society sector where more females hold senior roles in their respective organisations.

**Table 3: Categories of selected participants<sup>18</sup>**

<b>S/No</b>	<b>Category of institution/ organisation</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
1.	GoSS Ministry officials	4	3	7
2.	UN Agency	1	2	3
3.	International NGOs	1	2	3
4.	Community Based Organisations	1	1	2
5.	Academics	2	0	2
6.	Media Officials	1	1	2
7.	Law enforcement officers	1	1	2
8.	Key informants (from community)	3	1	4
	<b>Total</b>	<b>13</b>	<b>12</b>	<b>25</b>

The research participants were selected in lieu of actual child victims of trafficking for a couple of reasons. Most significant, was the desire to avoid interacting directly with victims of trafficking and doing any harm by asking them to relive their experiences. Besides, interviewing victims would also have been problematic as it would not provide an overall picture of the policy response process. The experiences of victims of trafficking vary from one individual to the other but it is the practitioners working with them that have a better understanding of the whole picture of the problem over time. Yet in the context of South Sudan, child victims of trafficking have very limited contacts with state authorities who formulate the policies that

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<sup>18</sup> The list of the various categories of research respondents is available in Appendix 4.

decide how they move through the system. In that sense, they would not be better placed to adequately assess how counter-trafficking decisions are made and operationalised.

Although the sample size was small in comparison to the vast size of the country and key people working in the field of anti-trafficking, the number was still significant for this research and offered a relatively fair representation of the views of the policy makers and practitioners in the County. However, the research does not want to make any claim that the findings will be representative of the problem of child trafficking in the entire South Sudan.

### **The research instruments**

During the research, I used semi-structured interview guides consisting of a list of predetermined questions derived from variables generated from the research questions. As the table below illustrates, I outline the link between variables under investigation and their manifestations.

**Table 4: Linking variables and their manifestations**

<i>Variables</i>	<i>Manifestations/indicators</i>
Understanding child trafficking	<ul style="list-style-type: none"> <li>• Formal and expressive discourses of child trafficking.</li> <li>• Forms of child trafficking (such as labour trafficking, commercial sexual exploitation, adoption, brides).</li> </ul>
Child vulnerability in South Sudan	<ul style="list-style-type: none"> <li>• Factors facilitating child vulnerability (structural, political, economic, social).</li> </ul>
Perceptions of child trafficking in South Sudan	<ul style="list-style-type: none"> <li>• Evidence and profiles of trafficked children (gender, social status, ethnicity, nationality).</li> <li>• Evidence and profiles of traffickers (categories of perpetrators involved and total number of perpetrators arrested, prosecuted and sentenced).</li> <li>• Trafficking routes (origin, transit, destination city, country, state, or region).</li> <li>• Nature, magnitude and implication of child trafficking.</li> <li>• Types of child exploitation.</li> </ul>
Addressing the problem of child trafficking – how the governance mechanisms work in South Sudan	<ul style="list-style-type: none"> <li>• Evidence of ratification of relevant international conventions.</li> <li>• Evidence of domestic anti-trafficking legal frameworks (laws, by-laws, policies).</li> <li>• Cases of child trafficking prosecuted.</li> <li>• Similarities and differences between international legal standards and the local norms.</li> </ul>
Exit strategies: victim identification and support (retrieval, rehabilitation, reintegration).	<ul style="list-style-type: none"> <li>• Structures and actors in anti-trafficking campaigns.</li> <li>• Narratives of successes and challenges in the fight against child trafficking.</li> <li>• Victim fate (arrest, detention, deportation, repatriation, sheltered, release, other).</li> <li>• Child protection mechanisms (prevention of further vulnerability).</li> </ul>
Perceptions of efficacy of anti-trafficking mechanisms.	<ul style="list-style-type: none"> <li>• Perception of the relevance of the anti-trafficking mechanisms</li> </ul>

I also sought to determine the perceptions of key informants including politicians regarding the research problem using a three-level intersectional analyses at societal or national (macro), family or community (mezzo) and at individual (micro) levels. I integrated the three-level analyses which served as my research instrument throughout the analysis of the analytical categories.

### **Data collection and analysis**

I used in-depth interview conversation as a preferred interactive process because it fostered the participants' interpretation and reflection of their experiences and perceptions of the problem definition. The interviews allowed participants to explain the prevailing discourse regarding child trafficking and the ways it is being addressed in South Sudan. Each interview lasted from 30 minutes to 45 minutes and was held at venues which were convenient for the respondents, including offices, hotels/guest houses and in private spaces in the payams. Structured and unstandardised open-endedness of the pre-determined interview questions (Appendix 1) allowed for gathering of as much information as it was possible in a non-restrictive manner. The directed conversational technique process also provided greater breadth for amassing descriptions of the discourse on child trafficking, allowed space for related issues to emerge, permitted some degree of flexibility and suited the data-gathering process.

The interview transcripts (handwritten remarks, analysis and commentaries) were later transferred into a computer word package while extant texts from publications were initially coded (through open-coding) in the process of establishing meanings of words and phrases. This was then followed by focused coding – a process through which I used predetermined sets of categories to enhance their relevance to the study. Finally, I made sense of the data through thematic analysis. It was at this stage of data analysis that patterns and themes from the data and how they relate to the central thesis emerged. With the aid of SPSS computer-aided software, basic quantitative data were analysed. I used descriptive statistics (tables and graphs) and cross-tabulation to make sense of the quantitative data.

### **Personal reflection of the researcher and ethical considerations**

As a Ugandan from the region that borders South Sudan, I was conscious about how my identity as an Acholi would influence my interactions with the research participants in South Sudan for the following reasons. I was concerned that as a member of Acholi ethnic community which is also found in South Sudan, I would face some challenges of obtaining reliable objective data as the South Sudanese would assume that I am one of them and I already have prior knowledge of most of the things that occur in the country. More importantly, the fact that the leader of the Uganda rebel group, the Lord's Resistance Army, is an Acholi who wreaked havoc in South Sudan including abduction and forceful conscription of South Sudanese children, I was concerned that some respondents would be bias

in providing me with sensitive information regarding the plight of children in the country. Throughout my interactions with the research participants, I ensured that I maintained professionalism. My first contact I had established in South Sudan, a former student of the Africa University, provided me with support in understanding the contemporary dynamics in the country to ensure that my research process proceeded as planned.

Because I was aware that conducting research on human trafficking is an emotive subject and the process involves interacting with the human subject, it was deemed appropriate for me not to interact directly with the child victims of trafficking. The main reason for excluding the victims from the interviews was to avoid doing possible harm to them. Instead, I selected agencies, child-focused organisations, policy makers and implementers and key individuals working directly or indirectly with children to participate in the research process. I was also aware of the danger of not interviewing the victims of child trafficking because the interviews data would not reflect the voices of the victims. In order to capture some of the personal stories of the victims of trafficking, I asked agencies working with the victims to share with me stories which the children had consented that they could be shared with the third party.

I sought informed consent from the research participants, ensured confidentiality, anonymity of the responses, respected their privacies and ensured that participation of the respondents were voluntary to avoid doing any harm in the research process. Besides, the research participants were fully informed about their freedom to decline from



revealing any information they so wished or to withdraw from participating in the interviews altogether. Similarly, they were informed that the information gathered for the research were going to be kept confidential and the identities of the respondents kept anonymous unless they wished to identify with particular responses. This conforms to the Code of Practice for Research Students of the University of Bradford.

### **Personal risk assessment and research limitations**

My prior field experience in South Sudan allowed me to adequately prepare for this research. I considered personal risk assessment to be a vital part of the research process especially in the unfamiliar post-conflict environment. The physical risk factors I considered paramount to the research process pertained to access to medical facilities whenever needs could arise, accommodation during the time of fieldwork, effective ways of communication in the absence of reliable internet services and how to gain access to research sites.

There were local risk factors including the high cost of living that I needed to confront, adapting to the multiple currencies used in the country at the time and the challenge of understanding the several languages used in Juba such as 'Juba Arabic', Dinka, Acholi (which I speak) and English. I engaged two local Research Assistants (RAs) whom I recruited to support my research project and to help me to gain trust of the local community. I also established contacts with my country's diplomatic mission in South Sudan (the Uganda Consulate).

Moreover, I anticipated that the context would be research fatigued which would make access to the required population difficult. To the contrary, the only difficulty encountered was fixing times for the interview for the civil servants and CSO employees. Most interviews were conducted at the convenience of the interviewees and sometimes they were conducted after office hours. In addition, I addressed emotional risk factors such as empathy, self-reflection, identity issues and ways of handling distressing data, which were of great significance during the fieldwork. Like in most post-conflict divided societies, however, the legacy of the Sudan's civil wars left the community of South Sudan polarized and politically fractured. Moreover the legacy of war-time stereotypes and manipulation were still fresh in people's minds and that seemed to have made some respondents not to be free to divulge sensitive information to a foreign researcher.

### **Study limitations**

A prerequisite for conducting a research involving the human subject requires a clear understanding of the target population. Because the subject of the research is victims of child trafficking, the researcher was aware that the population of the victims is highly fluid as they change over time, across state, national, regional and international boundaries or in the contexts where the phenomenon occurs. The research data was thus dependent on how the researcher understood the boundaries of the target population – not just in conceptual terms but also in terms of time and space. Because any research on child trafficking may focus on children at risk of trafficking, current victims and former victims of trafficking, it was

not within the scope of this research to cover all the three categories of population highlighted above.

Producing a reliable data on children at risk of trafficking would require a thorough definition of who the children at risk are. Much more uncertainty is involved in defining risk especially when the phenomenon encompasses human trafficking. Thus, it was not within the scope of the current study to target the population at risk of trafficking. The intention of excluding the children at risk of trafficking from the study was also to minimise the risk of attempting to target a population based on limited existing knowledge about them. The researcher wanted also to avoid confirming prior prejudice or misconceptions that could be held regarding the composition of such group in the general population which would undermine the process of producing new knowledge.

Although the small sample size may not allow drawing conclusions that apply to all the practitioners and policy makers in South Sudan, the research findings revealed that some socio-cultural practices of child upbringing in South Sudan that could facilitate child trafficking may be applicable to most contexts in Sub-Saharan Africa. From the researcher's personal observation, the samples selected represent a fairly accurate cross-section of key individuals and practitioners involved either directly or indirectly in counter-trafficking.

In addition, the unbalanced selection of the respondents in terms of gender may to some extent have impacted on the results of the findings.

This is due to the fact that most of the policy makers and practitioners are males and this resulted into more selection of male respondents than females. Nevertheless, there was no concrete evidence of any systematic effect from both genders in terms of the content of the interview data when responses from male and female respondents were triangulated.

On a broad outlook, the analysis, as much as possible, tries to answer questions of the highest importance in relation to children and also tries to cover the whole of South Sudan. However, what hampered proper analysis of information from some areas was scarcity of secondary data from such regions. Despite the scarcity of information from all the regions of South Sudan, children vulnerability issues in Juba County, as argued by some child focused organisations, are a reflection of the realities in most areas of the country.

Besides interacting with some state officials from Juba, the analysis of the secondary data were based on the reports from the states where civil society organisations, UN agencies and their partners work on promoting and protecting child's rights. The areas with a lot of secondary information were those with high NGO visibility. It means that areas of South Sudan without or with few NGOs are usually devoid of documented information. Consequently, it was difficult to obtain data from those areas.

### **Thesis outline**

This study is organized into three parts and six chapters. Part I, Introducing the Problem, provides an overview of the research problem.

This section is followed by Part II, Conceptual and Theoretical Debates on Human Trafficking. In this section, the thesis provides a literature review of the human trafficking discourse and critically discusses the relevant theoretical frameworks adopted for this study. The last part, Part III covers Child Vulnerability and Anti-trafficking Governance in South Sudan. It is in this last part of the thesis that I presented the case study specific analysis of the context and how counter-trafficking governance functions in South Sudan. These three parts embed six chapters of the thesis.

The thesis begins with an Introduction Chapter. The introduction defines the research problem, its scope and the justification of conducting the study in post-liberation South Sudan. It also provides the global, Africa and South Sudan country specific significance of the study. The last section of the outlines the research methodology, research design, methods, key ethical issues undertaken and ends with the thesis chapter outline.

The Second Chapter presents a synthesis of the literature on conceptual issues regarding trafficking in human beings. In its analysis, the chapter begins by tracing the evolution of the debates on human trafficking and discusses the conceptual dilemmas in the human trafficking debates and how they influence the governance of anti-trafficking responses. The chapter argues that the emphasis by the international community and governments on international human trafficking focuses the counter-trafficking as a crime against the state or as an immigration problem as opposed to a crime against an individual. Consequently, counter-

trafficking governance fails to address the problem of internal human trafficking. The chapter proceeds to situate the discourse of child trafficking within the human security paradigm and a rights-based theoretical framework as they provide a deeper understanding of trafficking as a crime against an individual. It concludes with suggesting how the two frameworks interact and the extent to which they can be applied to the human trafficking discourse.

The Third Chapter is the case study chapter on South Sudan. It describes the present socio-economic and political context of South Sudan. The chapter also critically explores the political economy of exploitation in the country and its ramifications on the production and re-production of child trafficking. The chapter argues that the link between armed conflict and post-liberation child trafficking in South Sudan is a spill-over of the political economy of exploitation based on social determinants such as identities, age, and sex. The chapter concludes by reflecting on how peace agreements and the resumption of hostilities in South Sudan impacted on the contemporary child trafficking in the country.

Chapter Four provides the empirical evidence of the study. It examines the parameters of child trafficking within, from and through South Sudan. The chapter further explores the local perceptions, nature and extent of the problem of child trafficking in the post-liberation era in the research context. It includes an exploration of the socio-economic, political factors which influence child vulnerability. Besides examining the processes, persistence and patterns of child trafficking, the chapter also explores the

implication of child trafficking discourse on health, education, gender and the shadow economy. The chapter concludes that there are various actors involved in the child trafficking in post-liberation South Sudan including family members, armed groups and organised criminal networks that exploit the dysfunctionality of state institutions and complicity of law enforcement officers.

Chapter Five focuses on how the governance of counter-trafficking functions in South Sudan. Particularly, it examines how the international legal regimes have been incorporated into South Sudan national legislations and their implication on anti-trafficking responses. The challenges of embedding anti-trafficking in South Sudan from international, regional and local perspectives and its implications on state and non-state actors are discussed in this chapter. The chapter notes the absence of a specific legal framework that addresses human trafficking problem and also the lack of political will to ratify child rights international and sub-regional legal norms.

Chapter Six is the general conclusions. It summarises and discusses the main findings of the research and highlights its main contributions to the body of knowledge. It concludes with limitations of the research and recommendations for directions for future research.

**PART II: CONCEPTUAL AND THEORETICAL DEBATES  
ON HUMAN TRAFFICKING**



## **CHAPTER 2**

### **CONCEPTUAL INTERPRETATIONS OF CHILD TRAFFICKING**

#### **Introduction**

The controversies surrounding human trafficking discourse are nothing new yet no uniform conceptualization of and solution to the problem has been reached so far. The variations in conceptualization, reflected in the variability in global human trafficking data and counter-trafficking policy responses reflect ideological and conceptual tensions among the various global actors. The disparity also suggests that the understanding of the problem of human trafficking is very fluid because the phenomenon is complex and multifaceted. In this chapter, I explore the early web of international counter-trafficking treaties which have been developed since the first part of the twentieth century and explain why the image of human trafficking existed in the political imagination since 1904. I then proceed to discuss how the political economy of human trafficking polarises its debate and influences counter-trafficking policy outcomes. The chapter notes that although the adoption of the Trafficking Protocol 2000 signalled a key milestone in the international effort to address the problem of human trafficking in modern times, social, cultural and political factors pose practical challenges to the implementation of the international, often Western-centered counter-trafficking law and instruments for the protecting the rights and security of individuals. Through a review of the literature, the chapter critically examines how a human rights-based

approach and human security theoretical framework can be applied to the human trafficking discourse in order to deepen our understanding of the problem. The chapter concludes with highlights of how human security and human rights frameworks interact and their implication to the human trafficking discourse.

### **Human trafficking: A historical outline**

Over the past decades, human trafficking discourse received significant scholarly attention from various global actors and yet its debate yielded little agreement on the ontology of the problem. The lack of clarity on the human trafficking discourse begs several questions about the problem: How has the concept evolved since the first part of the twentieth century? What are the key developments in the debates on human trafficking? The early conceptualisation of human trafficking was primarily understood as ‘white slave trade’<sup>19</sup> – a term used in reference to the prostitution of Western European women in foreign states (Bristow, 1982, Connelly, 2011, Corbin and Sheridan, 1996, Fisher, 1997, Grittner, 1990, Guy, 1991, Rosen, 1982, Walkowitz, 1980). The concept of ‘white slavery’ served to distinguish it from ‘female sexual slavery’ suffered by enslaved Africans and for drawing a moral distinction between the two forms of exploitation (Doezema, 2010).

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<sup>19</sup> See similar studies conducted by Guy (1991) in Buenos Aires, Connelly (1980) in Chicago, Chapkis (1997) and Berman (2003) on the similarities and parallels in which the ‘stories’ of human trafficking and ‘white slavery’ are told.

The 'white slave trade' campaign is an early and classic example of "moral panic"<sup>20</sup> that created and sustained a powerful cultural myth<sup>21</sup> regarding the 'debauchery' of women and girls in foreign countries. The myth is embedded in the image of power and vulnerability. On the one hand, it brings to the fore the image of male dominance and exploitation of innocence and on the one hand, it reinforces the image of an ideal victim as a young and naïve female, coerced or lured into leaving the comfort of her family and trapped in a foreign brothel against her will. As will be discussed later in the chapter, this view sharply contrasts with the regulationists' perception of women's agency in the prostitution industry.

Doezema warns of the danger in using the 'white slave trade' discourse to describe the moral universe of the prostitution of white women as an abhorrent act worse than the exploitation of people from other races and cultures. She argues that the narrow ethnic identification of human traffic does not only imply that the humanity of other races was greatly undervalued but it also meant that the dominant discourse exaggerates and misrepresents the scale of the problem (Doezema, 2010:16). The evil of the so-called 'white slave trade' attracted responses from a coalition<sup>22</sup>

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<sup>20</sup> Goziak and Collert (2005) assert that the framing of the problem of human trafficking as 'white slavery' was an artefact of sensationalism which was carefully constructed to generate moral panic.

<sup>21</sup> The essence of the cultural myth is encapsulated in the idea of male exploitation of innocence, a view that provided the foundation for the subsequent, idealized victim as a young girl who is kidnapped or tricked into leaving the comfort of her family and ends up being locked up in a foreign brothel and thus engage in sexual activities against her will to service the demand of numerous faceless men.

<sup>22</sup> The National Vigilance Association (NVA) and the leading feminist and founder of Social Purity Alliance, Josephine Butler, were at the forefront of the campaign to outlaw prostitution in the late 1880s. In 1899, the NVA established a "Bureau for the Suppression of the White Slave Traffic" and its first ever international conference on the issue resulted in the sex-trade of European girls acquiring a transnational dimension.

of Judeo-Christian purity campaigners and feminists who put pressure on the British government to pass the Criminal Law Amendment Bill into the Act outlawing prostitution (Fischer-Tine, 2003). Although the evangelicals and radical feminist fanatical catchy phrase of 'white slave trade' widened public awareness of the problem of human traffic, they did not completely 'invent' the problem: large-scale international human slavery existed before. However, the campaigners were hailed for successfully eliciting international responses aimed at confronting the problem from beyond the European borders (Bravo, 2007: 215).

Between 1904 and 1933, the international community adopted four major international counter-trafficking Conventions aimed at countering the 'white slave trade'. The earliest two Agreements of this series were the International Agreement for the Suppression of White Slave Trade 1904 and the International Convention for the Suppression of the White Slave Traffic 1910. The former Agreement focused on the State's social obligations towards the welfare of victims of white slave traffic while the latter criminalised "debauchery" of poor and desperate European women and girls sold to foreign states (Aronowitz, 2009, Borzello, 2004, Cwikel and Hoban, 2005a). The 1904 Agreement (Art.1) narrowly frames "white slave traffic" as "procuring of women or girls for immoral purposes abroad"<sup>23</sup>. The 1910 Convention<sup>24</sup>, however, broadened the understanding

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The anti-"White slavery" network grew until the campaign was taken over by the League of Nations in the aftermath of WW I.

<sup>23</sup> The International Agreement for the Suppression of the "White Slave Traffic," is available from: <http://www1.umn.edu/humanrts/instree/whiteslavetraffic1904.html> (Accessed 12 January 2014).

of human trafficking to include the term “exploitation” as its key determining element and suggested that victims of trafficking could be recruited through voluntary and involuntary means.

The ethnic, gender and geographic foci of the 1904 Agreement and 1910 Convention were perceived as some of the main weaknesses of the two legislations. The racist undertone, gender bias and context specificity circumvented the application of the two anti-trafficking laws to non-white female and male population from other parts of the world (Anderson and Davidson, 2003, Chapkis, 2003, Clark, 2003). It also points to a very narrow perspective as to why women and girls become vulnerable to trafficking (Lee, 2007, Lee, 2011a). Although the 1910 Convention claimed to be an “international” legal norm as the name suggests, it was viewed as a theoretical, over ambitious and contradictory legal norm that failed to stop human traffic.

The third and fourth anti-human trafficking Agreements in the series were adopted under the auspices of the League of Nations. These were the International Convention for the Suppression of the Traffic of Women and Children 1921 and the International Convention for the Suppression of the Traffic of Women of Full Age 1933. The 1921 Convention avoided making any reference to “white slavery” but introduced a new notion of “immoral trafficking” of people of both sexes under the age of twenty-one (Jana et al., 2002, Jani, 2010, Klueber, 2003, Laczko, 2005a, Lee, 2011b,

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<sup>24</sup> The full text of the 1910 Convention is available from:  
<http://www1.umn.edu/humanrts/instree/whiteslavetraffic1910.html> (Accessed 06 January 2014).

Obokata, 2006) while the 1933 Convention widened the end result of trafficking to include all sexual and “immoral” exploitation other than limiting it to prostitution. Like the predecessor Agreements, the 1933 Convention obligates State parties to share information with each other and protect victims of trafficking.

Meanwhile, the interwar debate preceding 1949 resulted in the conclusion of the fifth Agreement – the International Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others 1949. The Convention was a turning point in the international understanding of how gender and human trafficking interact (that is, a victim can be ‘any person’ and is gender blind). The Convention recognises human trafficking as both a transnational and a State’s internal problem and lays emphasis on victim-centred approach to countering the problem of trafficking for prostitution.

The trafficking-prostitution debate resulted in the development of four primary legal frameworks. Counter-trafficking debates and approaches to prostitution have also gravitated around criminalization, decriminalization, regulation and a combination of decriminalization and a human rights approach. In the first approach in which criminalisation of prostitution takes two forms – prohibition and toleration – prostitution is viewed as a social evil that deserves penalisation. Unlike the toleration approach which views prostitution as a necessary evil and refrains from the idea of punishing sex workers, the prohibitionist approach seeks to completely outlaw the prostitution industry and punish all its actors without

discrimination. The second approach, however, decriminalises prostitution based on the view that it is a private and personal choice between consenting adults. The third approach, decriminalisation, seeks to specifically outlaw non-consensual prostitution. The legalisation approach is concerned with regulating prostitution such that it is carried out within the law. Finally, a rights-based approach to decriminalisation of prostitution seeks to protect the legal rights and welfare of sex workers and advocates for the application of human rights and labour laws to the sex industry.

Although the 1949 Convention fails to define human trafficking, its main focus on the prostitution prohibitionist paradigm meant that it was primarily concerned with the criminalisation of all acts associated with prostitution and not the industry itself. The Convention adopted measures which required state parties to adopt preventive frameworks addressing the root cause of prostitution and various punitive measures for those engaged in prostitution in foreign countries.

Whereas the 1949 Convention attracted and retained enormous support from State parties, it also came under a wide-range of intense criticisms because of its weak enforcement mechanisms. By preserving the authority of State parties to regulate international prostitution, the Convention overlooked how the sex industry functions in the complex globalised world. Lee, Lim and Obokata note that because the Convention had a soft stance on prostitution, it failed to criminalise both its act and accomplices. It was also criticised for falling short of protecting the human rights of

victims and the rights violations that occur during the trafficking process (Lee, 2011a, Lim, 1998, Obokata, 2006). Moreover, the Convention failed to recognise and offer protection of people who are lured or forced into other emerging forms of sexual exploitation such as sex tourism, lap dancing, mail order bride or forced marriages (Singh and Hart, 2007). In a statement presented to the UN in 1991, UNESCO's representative of the Working Group on Contemporary Forms of Slavery notes that the 1949 Convention's soft stance on prostitution legitimised sexual exploitation of women obscured the manner in which prostitution violates the rights of women and ignored the role of prostitution in the overall subordination of women in society.

Nevertheless, the international community significantly contributed to a moral distinction and debate on human trafficking since 1904 particularly when it granted trafficking in women for prostitution and sexual exploitation a greater priority. Besides, the adoption of the five international Agreements demonstrated the international community commitment in making attempts to address the problem of human trafficking.

For the next fifty years, the international community did not adopt any international counter-trafficking until the year 2000. In international law, the first international treaty containing a legally binding understanding of the concept of human trafficking that addresses all its aspects including criminalisation is the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons especially Women and Children,



Supplementing the United Nations Convention Against Transnational Organised Crime (Palermo Protocol), adopted in 2000. The international understanding of human trafficking, cited at the beginning of the thesis, is taken to mean the use of coercion, abuse of power, force or threats for initiating the movement of human beings into conditions of exploitation. Unlike trafficking of adults, the Palermo Protocol puts emphasis on the exploitation element as a significant factor in trafficking of children as opposed to the means used in their recruitment. Implied in this definition is also the understanding that human trafficking is an activity that violates the human rights and security of individuals.

From a legal perspective, however, the UN definition of trafficking in persons is very confusing. There are three main problematic issues embedded in the Trafficking Protocol as Loff and Sanghera observe:

Despite the definition given to trafficking in international law, the term and issues surrounding it remain confused both conceptually and in government policy and practice for three reasons. First, researchers, law enforcement agencies, and non-governmental organizations usually focus on a sub-set of trafficked people, women and children in sex work. Second, trafficking is rarely discussed without mention of coercion. Third, the definition of trafficking is complicated by a frequent failure to differentiate between women and children” (Loff and Sanghera, 2004: 566).

The Trafficking Protocol refers to three main elements ('act', 'means' and 'purpose') as indicators of human trafficking and yet these elements provide no less than a description of the *process* of recruitment, movement and trading in human beings, the various *methods* traffickers employ and their *motivation* for trafficking human beings. The Protocol also fails to provide clarification on two issues: the nature of the various threats that traffickers must use to elicit compliance and nature of 'slave-like' conditions that trafficked persons can be subjected to or must endure over time. By putting much emphasis on the intention of trafficking and by situating it at the end of the trafficking continuum, the Protocol ignores the risk of exploitation which occurs in the procurement and movement processes. This specific focus of the Trafficking Protocol renders it an 'outcome' oriented legal norm mainly concerned with a fraction of the 'real' problem or 'harm' that human trafficking engenders (Chamberlain, 2002 , Dottridge, 2005, Erdelmann et al., 2005).

UNICEF asserts that the emphasis on the term 'exploitation' as a defining element of human trafficking is vague due to the fact that not even any single definition of 'exploitation' is provided for in the Trafficking Protocol (UNICEF, 2005:3). This is compounded by the difficulty in determining the point in the trafficking process where exploitation of victims starts or ends. Even more worrying is the fact that the Trafficking Protocol places 'exploitation' at the end of the trafficking continuum, suggesting trafficking is deemed to happen provided exploitation takes place. From a rights-based approach to trafficking, unless the term exploitation is properly

clarified it constitutes a legal nightmare and complicates counter-trafficking responses especially in determining the responsibilities of human traffic offenders in the trafficking chain before any exploitation occurs. Aronowitz (2009:2) notes that not all adult victims of trafficking undergo recruitment by false pretence or are ignorant of the fate that awaits them at the various destinations. Because the amount of information and promises traffickers use to recruit their victims are vast and vary considerably, he suggests that victimization could be understood as a continuum ranging from total coercion to relatively lighter forms of deception (Aronowitz, 2009).

Coercion is sometimes regarded more as a psychological occurrence than a physical threat in the human trafficking process (Aronowitz, 2009:3). The psychological approach which traffickers use for controlling victims varies considerably from threats of violence, use of voodoo rituals<sup>25</sup>, depriving victims of their identity documents or threats of reporting their illegal resident statuses to immigration officials of foreign states. Traffickers use these methods in maintaining loyalty, submissiveness and to deter victims

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<sup>25</sup> In some Africa nations (especially Nigeria), voodoo rituals are used in sex trafficking of women and young girls into the prostitution industry abroad. Once outside the country, the traffickers compel the victims to take an oath in shrines of voodoo priests to seal the deal. The oaths include among others the commitment never to disclose the identities of the traffickers to any authority during transit or in the destination countries. However, the use of traditional rituals could be understood as a sensationalist means of presenting the complexity of abuse of women and girls whose belief in supernatural powers are exploited by traffickers. For more information regarding how women, girls and children are manipulated using witchcrafts and voodoo rituals see: Nwogu, V. (2008) Human trafficking from Nigeria and voodoo. Any connections? . (9). Available from: <http://lastradainternational.org/dynamic/files/La%20Strada%20Newsletter%20Issue%209.pdf> (Accessed 12 July 2014); Ikeora, M. (2012) Why we need to understand voodoo. Available from: [www.voice-online.co.uk/article/why-we-need-understand-voodoo](http://www.voice-online.co.uk/article/why-we-need-understand-voodoo) ; or García, A. D. (2013) Voodoo, Witchcraft and Human Trafficking in Europe. *New Issues in Refugee Research: Research Paper No. 263*. Available from: [https://www.ecoi.net/file\\_upload/1930\\_1382531731\\_526664234.pdf](https://www.ecoi.net/file_upload/1930_1382531731_526664234.pdf) (Accessed 10 July 2014).

from seeking any form of legal assistance from relevant authorities (Weissbrodt and Anti Slavery International, 2002). Although coercive work environments are generally regarded as abusive and therefore undesirable, some desperate people may still 'choose' to continue working under such conditions provided they perceive their earnings to be greater than the incomes they would have obtained from their home countries (ILO, 2002 , Aronowitz, 2001). It implies that 'rescue' or withdrawal of victims of trafficking from 'coercive' work conditions may not necessarily be in their best interests unless they have viable life options to fall back to.

How would the contemporary human trafficking be addressed such that the rights of victims are protected and their human security guaranteed? This is a task which I explore in the section will follows by critically examining the contemporary human trafficking discourse from a human rights based, political economy and human security approaches.

### **A rights-based approach to contemporary human trafficking**

The rights-based approach to trafficking is linked to the discourse of human rights<sup>26</sup> which emphasises the principles of equality of rights of all human beings. A question may arise as to what value a right-based approach can add to the human trafficking discourse. There are two approaches of looking at the advantage of applying the rights-based

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<sup>26</sup> The notion of Human Rights is based on the logic of deep moral, political and social crises experienced from the period of World War I. Since 1924, a series of milestones characterised the evolution of the human rights discourse, including the Universal Declaration of Human Rights (UDHR) in 1948 with the major goal to protect the freedom and dignity of humanity. The UDHR document is available <http://www.ohchr.org/EN/UDHR/Documents/60UDHR/bookleten.pdf>.

approach to trafficking. First, by considering trafficking as a human rights issue, a rights-based approach to trafficking can be used as a framework to facilitate the analysis of core human rights norms and principles applicable to human trafficking<sup>27</sup>. This means that the human rights regimes can approach trafficked persons as victims of human rights abuses and advocate for victim-centred counter-trafficking measures. In the second dimension, a rights-based approach to trafficking defines the framework of action (D'Cunha, 2002, Rijken and Koster, 2008, Shifman, 2003). Unlike a criminal justice approach to the problem of human trafficking, a rights-based framework adopts a holistic response to trafficking. It also articulates the legal obligations of the State to include criminalisation of trafficking<sup>28</sup>; prevention of human trafficking<sup>29</sup>; investigating and prosecuting<sup>30</sup> traffickers and those involved in the human trafficking chain; provision of adequate protection of trafficking victims<sup>31</sup>; and, international cooperation<sup>32</sup> in counter-trafficking response.

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<sup>27</sup> The Office of the High Commissioner for Human Rights lists rights and obligations most relevant to trafficking. They include the right to: prohibition of discrimination on one or more of the prohibited grounds: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status; life; liberty and security; access to courts, to equality before the courts and to a fair trial; not to be submitted to slavery, servitude, forced labour, or bonded labour; freedom from slavery in armed conflict; not to be subjected to torture, and/or cruel, inhuman or degrading treatment or punishment; freedom from gender-based violence; freedom of association; freedom of movement; the highest attainable standard of physical and mental health; just and favourable conditions of work; an adequate standard of living; social security; and not to be sold, traded or promised in marriage. The full source of the relevant treaties can be accessed from

[http://www.ohchr.org/Documents/Publications/Commentary\\_Human\\_Trafficking\\_en.pdf](http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf). (Accessed 15.02.2014), pp.53-56.

<sup>28</sup> Refer to Article 5 of the UN Trafficking Protocol.

<sup>29</sup> See Articles 2, 9, 11, and 12 of the Trafficking Protocol and Principles 2, 4, 5, 6 and Guideline 7.

<sup>30</sup> See UN Principles and Guideline 2

<sup>31</sup> See Articles 32-39 and Principle 10.

<sup>32</sup> See Articles 2, 9.10 and 13 and Guideline 11.

As a framework of action, a rights-based approach also provides means of addressing the broader human rights causes and implications of human trafficking. As discussed above, it is quite evident that a rights-based approach to trafficking does not seek to engage with the technicality of how the process of human trafficking occurs, rather with the grave violations of basic human rights at the roots of people's vulnerability to trafficking and in the entire human traffic and responses. In short, a rights-based framework is a victim-centred approach to human trafficking.

The idea that the human trafficking debate could be broadened to include a human rights lens was an artifact of huge interests and momentum in the growth of international human rights movements and institutions (Lee, 2011a, Ojomo, 1999, Shelley, 2010) that wanted to provide an additional perspective in understanding human trafficking discourse with trafficked victims at its core (Rijken and Koster, 2008: 9). It entails expanding the universe of potential counter-trafficking actors beyond the State – effectively anchoring national, regional and international responses within rights and obligations under the international human rights law.

The international legal norm that provides a link to the rights-based approach to the human trafficking discourse is the Palermo Protocol 2000. Its emphasis on the term 'exploitation' as a core element of trafficking, cited in the preceding section of the chapter, implies that a right-based approach to human trafficking is appropriate in aligning counter-trafficking responses to the misery, protection, prevention and interests of victims.

Mary Robinson<sup>33</sup> suggests that trafficking in human beings “constitutes both a cause and a consequence of human rights violations” (Khatiwada, 2006: 6). As a cause, trafficking undermines fundamental human rights of trafficked persons. Although most victims of cross-border trafficking are not fully aware of their rights, they are entitled to the rights, including: access to justice, legal assistance and protection in the courts of law; reparations; access to temporary or permanent residence status; physical, mental and economic rehabilitation; voluntary and safe repatriation to their country of origin; protection from re-victimisation; effective reintegration into society without any stigmatisation or discrimination. As a consequence, however, human trafficking is deeply ingrained in economic poverty, inequality and various forms of discrimination in society. By aiding the conceptualisation of human trafficking beyond the physical loss of control of victims, a rights-based approach permits counter-trafficking authorities to view the phenomenon more humanely through granting more attention not only to the sufferings of victims but also to their restitution. Besides, the approach deepens the understanding of human trafficking from its root causes, process and implications from a victim’s human rights perspective (Khatiwada, 2006: 5).

In order for the State as a guarantor of human rights to apply the rights-based approach to human trafficking, it must be willing to adhere to the international, regional and national human rights norms and legal guidelines. Whilst some human rights normative frameworks do not make

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<sup>33</sup> Mary Robinson is the former UN High Commissioner for Human Rights from 1997-2002. For more information, visit the OHCHR web link: <http://www.ohchr.org/EN/ABOUTUS/Pages/Robinson.aspx> (Accessed, 11 May 2014).

direct reference to human trafficking, they significantly cover most of its aspects. At the international level, the main normative human rights frameworks applicable to counteracting the problem of human trafficking include the Universal Declarations on Human Rights (UDHR), the Convention of the Elimination of All Forms of Discrimination of Women<sup>34</sup> (CEDAW) and the Convention of the Rights of the Child<sup>35</sup> (CRC) 1989. At regional levels, some of the relevant human rights frameworks include the Charter of Fundamental Rights of the European Union 2000<sup>36</sup> (in which Article 3 prohibits trafficking in human beings); the Convention on the Action Against the Trafficking in Human Beings 2005<sup>37</sup> adopted by European countries; the American Convention on Human Rights 1969<sup>38</sup> (ACHR); the Inter-American Convention International Traffic in Minors 1994<sup>39</sup> adopted by the Organization of American States (OAS); the Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution 2002<sup>40</sup>, adopted by member states belonging to the South Asian Association for Regional Cooperation (SAARC); and, the

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<sup>34</sup> Full text of CEDW is available from:

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

<sup>35</sup> See UN CRC full text here: [http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC\\_PRESS200910web.pdf](http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf).

<sup>36</sup> For more details, visit: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf).

<sup>37</sup> More detail of the convention is accessible from:

<http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm> (Accessed, 17 May 2014).

<sup>38</sup> See full text here:

[http://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm).

<sup>39</sup> The full document of the Convention is available from:

[http://www.oas.org/dil/treaties\\_B-57\\_Inter-American\\_Convention\\_on\\_International\\_Traffic\\_in\\_Minors.htm](http://www.oas.org/dil/treaties_B-57_Inter-American_Convention_on_International_Traffic_in_Minors.htm) (Accessed, 11 June 2013).

<sup>40</sup> The SAAR Convention is accessible from: <http://www.saarc-sec.org/userfiles/conv-trafficking.pdf> (Accessed, 9 May 2014).



African Charter for the Rights and Welfare of the Child<sup>41</sup> (ACRWC) (Obokata, 2006).

So, how relevant is the rights-based approach to the human trafficking discourse? The concept of a rights-based approach to human trafficking emerged as one of the many responses to the growing criticisms of the one-sided emphasis on a criminal law approach to counter-trafficking. The rights-based approach demands that the duty-holder, the state with the primary responsibility for the realisation of rights, acknowledges human trafficking as a violation of human rights so that while protecting and providing assistance to victims of human trafficking, it ensures a proper redress of rights violations. At the State level, a rights-based approach essentially integrates norms, principles and standards of international human rights systems reflected in the existing State legislations, programs and processes. The approach entails embedding norms, principles and standards enshrined in international treaties and declarations<sup>42</sup> that recognise human beings as subjects and right holders. The approach also offers a conceptual and normative framework that informs appropriate counter-trafficking policies the State can adopt. In order to prevent human trafficking, a rights-based approach demands that counter-trafficking frameworks should aim at eliminating the demand factor at the core of

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<sup>41</sup> The AU Charter on the Rights and Welfare of the child can be accessible from: [http://www.au.int/en/sites/default/files/Charter\\_En\\_African\\_Charter\\_on\\_the\\_Rights\\_and\\_Welfare\\_of\\_the\\_Child\\_AddisAbaba\\_July1990.pdf](http://www.au.int/en/sites/default/files/Charter_En_African_Charter_on_the_Rights_and_Welfare_of_the_Child_AddisAbaba_July1990.pdf) (Accessed, 19 May 2014).

<sup>42</sup> Some of the international conventions and declarations include Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination of Women and the Convention on the Rights of the Child and the African Charter for the Rights and Welfare of the Child, among others.

trafficking. Because the demand for exploitation of human beings arises from lack of respect for human rights (Khatiwada, 2006: 8), a rights-based approach can be extended to ensure that counter-trafficking policies, actions and practices are monitored and evaluated so that they conform to human rights standards.

At international and cross-border levels, State-led counter-trafficking measures have often tended to prioritise the protection of its interest. Its primary focus is always centred on immigration control rather than protecting the human rights of trafficked persons especially foreign nationals. The State advances its interests first by categorising victims of human trafficking primarily as criminals (specifically as illegal immigrants) who flout immigration rules (Obokata, 2006). The conceptualisation of human trafficking as a crime committed against the State by the individuals usually leads to the criminalisation of victims of trafficking. Victimization of trafficked persons by the State elicits a sense of alienation, loss of autonomy and isolation from zones of comfort and invokes a feeling of basic human rights deprivation. From a rights-based approach to counter-trafficking, the victim's perspective is not only considered the main priority but the approach also strives to engender the broader understanding of the causes, processes and the nature of outcomes or consequences of trafficking to the individual's rights and safety. In regard to the treatment of trafficked persons, a rights-based approach links prevention and elimination of trafficking and protection of victims to human rights. It also demands that the provision of assistance to

trafficked persons should, at a minimum, be tailored to meet basic human rights standards<sup>43</sup> (Wijers, 2004: 2).

Whereas the application of the rights-based approach to trafficking is desirable in counter-trafficking, the enforcement of its norms and principles has not always been promising. The main challenge with the law enforcement process pertains to the length of the legal procedures. Legal cases often take lengthy periods to conclude thereby delaying justice; they usually drag for weeks, months or years with huge volumes of unresolved backlogs. Moreover, the opinions and views generally expressed, and recommendations issued by human rights institutions and bodies, are not necessarily legally binding. This is because States are not under any moral obligation to follow or implement recommendations from any human rights bodies. Instead of complimenting the work of the state, most human rights institutions and organisations are often very critical of the State and strive to check on its excesses. As a result of unwelcome criticisms from human rights bodies, some States use stringent laws to control the operations of human rights institutions and organisations. This results in tensions which significantly undermine not only the implementation of human rights norms and principles but also anti-trafficking norms by non-state actors.

Gallagher observes that the lack of political will by State parties to promote and protect human rights of its citizens and the absence of a

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<sup>43</sup> Refer to the examples of rights-based standards which minimise risks of victimization in counter-trafficking developed by the Dutch Foundation Against Trafficking in Women, the Global Alliance Against Traffic in Women, the International Human Rights Law Group and the Office of the High Commissioner for Human Rights.

viable enforceable framework for ensuring the State guarantees such rights are the main weakness of the human rights framework undermining its application to human trafficking (Gallagher, 2010). Rijken and Koster further note that the failure of the human rights regime in developing a viable mechanism for holding State and non-state actors (including organised crime groups and individuals in the human trafficking chain) accountable for human rights violation are the main set-back to the application of the rights-based approach to human trafficking (Rijken and Koster, 2008). Bruch (2004) opines that the human rights regimes lack a specialised treaty that specifically addresses human trafficking from a human rights perspective. Although some human rights instruments have provisions dealing with issues of human trafficking and its related acts, they are scattered without a comprehensive specialised hard legal framework.

In spite of the shortcomings of the human rights framework, it should not be disregarded altogether as irrelevant in addressing the problem of human trafficking. The rights-based approach places the rights of the victims of trafficking at the centre of all counter-trafficking interventions and efforts. It also necessitates States to have political will to observe and implement the international anti-trafficking regulations and to cooperate with other actors in efforts to counter the problem at regional and international levels. Since trafficking is a crime committed at both domestic and international levels, cross-border human trafficking necessitates invoking relevant international criminal law that puts obligations on all

States to act responsibly and to cooperate with member States. Invoking the international law in addressing the problem of human trafficking is advantageous in that the sovereignty of member States unwilling or unable to respond to the problem of human trafficking can also be affected. Moreover, the fact that human trafficking is a complex phenomenon that can hardly be addressed conclusively under the current international Trafficking Protocol, no single approach should be viewed as effective on its own. States can adapt the international legal frameworks to their local contexts to counteract the problem of human trafficking and the rights-based approach is one of such frameworks that directly appeals to the victim's rights and safety. More importantly, legal scholars recommend for a cross-fertilisation of the principles of the international law branches<sup>44</sup> as a way of compensating for possible gaps in the rights-based approach to human trafficking (Gallagher, 2008, Obokata, 2006).

It should be observed that even though there are relevant international human rights instruments and counter-trafficking norms for protecting the rights of vulnerable people, contemporary political, economic and social factors undermine their effective implementation. In the section which follows, I extend the discussion on human trafficking examining it from a political economy approach and its implications.

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<sup>44</sup> The recommendation for the adoption of the principles of international laws in countering the problem of trafficking has been incorporated into the regional counter-trafficking instruments of the Council of Europe Convention on Action against Trafficking in Human Beings and South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

## **The political economy of human trafficking**

As of 2006, human trafficking together with smuggling was regarded as the third largest global criminal industry after trafficking in drugs and firearms (Zhang, 2007: 106) and generating billions of profits<sup>45</sup> each year (IOM, 2003b, ILO, 2009). Trafficking in human beings is an activity which affects diverse groups of people without any prejudice to race, colour, gender or geography. Victims and survivors of human trafficking range from people eager to search for opportunities to improve their lives and desperate people who attempt to escape human rights and security challenges and seek the services of human smugglers and/or traffickers to those recruited through coercion. As I highlighted in Chapter 1, the majority of victims of human trafficking are invariably women and children (Stefanizzi and Savona, 2007, Shelley, 2010: 4, Sen and Nair, 2004, Sen and Ahuja, 2009). Children as victims of trafficking, however, attract special attention from human rights institutions and organisations and law enforcement agencies due to the nature of their vulnerability; children are dependent on adults for protection and are also unable to seek aid without support from third parties.

A plethora of literature shows conceptual confusion on how the terms *human trafficking* and *human smuggling* are used to describe illicit movement of people from one country to another (Salth and Hogarth, 2000, Richards, 2004, McCreight, 2006, Martin and Miller, 2000, Kyle and

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<sup>45</sup> In the Introduction Chapter of the thesis, I provided statistical evidence of the scale of human trafficking and the profits that the phenomenon generates annually through a review of the literature.

Liang, 2001, Kaizen and Nonneman, 2007, İçduygu and Toktas, 2002, Gallagher, 2002, Chapkis, 2003, Bruggeman, 2002, Aronowitz, 2001, Andreas, 1998). Although meanings of these concepts are not the same, numerous reports from public and private entities routinely use them interchangeably until recently when a clear distinction between them emerged.

Human smuggling is an act involving voluntary but illegal movement of immigrants to another country in search of opportunities to improve their lives. In human smuggling, migrants willingly pay a fee to a third party to aid the crossing of international borders. Human trafficking, however, is a term with a creepy connotation and involves additional elements of fraud, coercion or force. Human trafficking and smuggling in migrants are different in process of movement and outcomes. Shadihul (2006: 6) argues that the presence or absence of force or coercion in the human migration process is a critical distinguishing characteristic between human trafficking and smuggling. Unlike in the human trafficking process where force or coercion is used in some or all stages for the purpose of exploitation, the human smuggling industry fundamentally relies in the voluntary relationship between the smugglee and the smuggler (Cameron and Newman, 2008a, van van Schendel et al., 2012, Nelson et al., 2004, Salth and Hogarth, 2000, Chapkis, 2003, Gallagher, 2002). In some instances, however, cross-border human trafficking initially begins as human smuggling. But in practice, there is a thin line between the actual point where smuggling of migrants ends and trafficking begins. Whenever

fraud, coercion or force is employed to compel migrants into any type of bondage or indentured labour, the smuggling transaction changes into trafficking – this being an illustration of how often human smuggling and trafficking overlap in both the process and as an outcome of population movement. By considering abuse and exploitation as definite ingredients of trafficking, victims of smuggling can also be regarded as victims of trafficking. For instance, smuggled migrants often compelled to work-off debts incurred during smuggling or working against their will or being paid a pittance as opposed to what they had been promised may be regarded to have been trafficked. But the extent to which such exploitation qualifies as trafficking is a matter subject to debate.

Another significant defining factor distinguishing human trafficking from human smuggling is consent. When a migrant consents to be facilitated to move to another country and is deceived about the danger associated with the aided movement irrespective of an unanticipated exploitative relationship that s/he encounters at the hand of the smuggler, it is human smuggling (Laczko and Gramegna, 2003). But human trafficking can also be linked to people migration.

Throughout history, human migration significantly underwent transformation as a result of the formation of nation-states, economic inequalities, poverty, environmental stressors and challenges of human security. Contemporary human migration is a complex phenomenon constantly reshaped by a combination of historical, geographical, economic, social and political factors. Until recently, human trafficking was



not conceptualised as part of this complex phenomenon. Human trafficking was not recognised in human migration because of the inadequate understanding of the intricacies between the two phenomena and, as Haque asserts, human trafficking is as a case of population movement “gone wrong” (Haque, 2002). The intricate links between human ‘migration’, ‘smuggling’ and ‘trafficking’ demonstrate how one process leads to the other and vice versa. As the Table below adopted from Aronowitz, summarising the possible change in legal statuses of migrant population illustrates, migrants may leave their own countries illegally/legally and enter the destination countries as illegal /legal migrants. The main determinant of whether a migrant could have used the service of a smuggler or trafficker is the legal status at both departure and entry into a destination country. A migrant may enter a country legally with a valid visa and chooses to remain in the country even when his/her visa expires. Some migrants may choose to leave their countries legally but destroy their legal documents in transit and seek asylum at the destinations. A migrant may also leave his/her country illegally, enters another country illegally and regularises this/her status as a legal resident.

**Table 5: Legal status of migrants from source and destination countries**

<b>Entry into destination country</b>			
<b>Departure from country of origin</b>		<i>Legal</i>	<i>Illegal</i>
	<i>Legal</i>	All papers are legitimate; if legal status expires, immigration rules are violated; if seeking work in the shadow economy, there is risk of exploitation.	Legal papers destroyed prior to entry; may seek asylum; exit legal but may attempt to enter country illegally; if seeking work in the shadow economy there is risk of exploitation.
	<i>Illegal</i>	Departure from the source country without papers; forged papers obtained in transit country (albeit with illegal papers); legal status in destination country (until forgery uncovered); may obtain legal employment.	Risk of trafficking or exploitation; may be granted asylum or special permission to reside legally in destination country.

Source: Aronowitz, (2009).

The public discourse on human trafficking, undocumented labour migrants and their exploitation has always been centred around discussions on

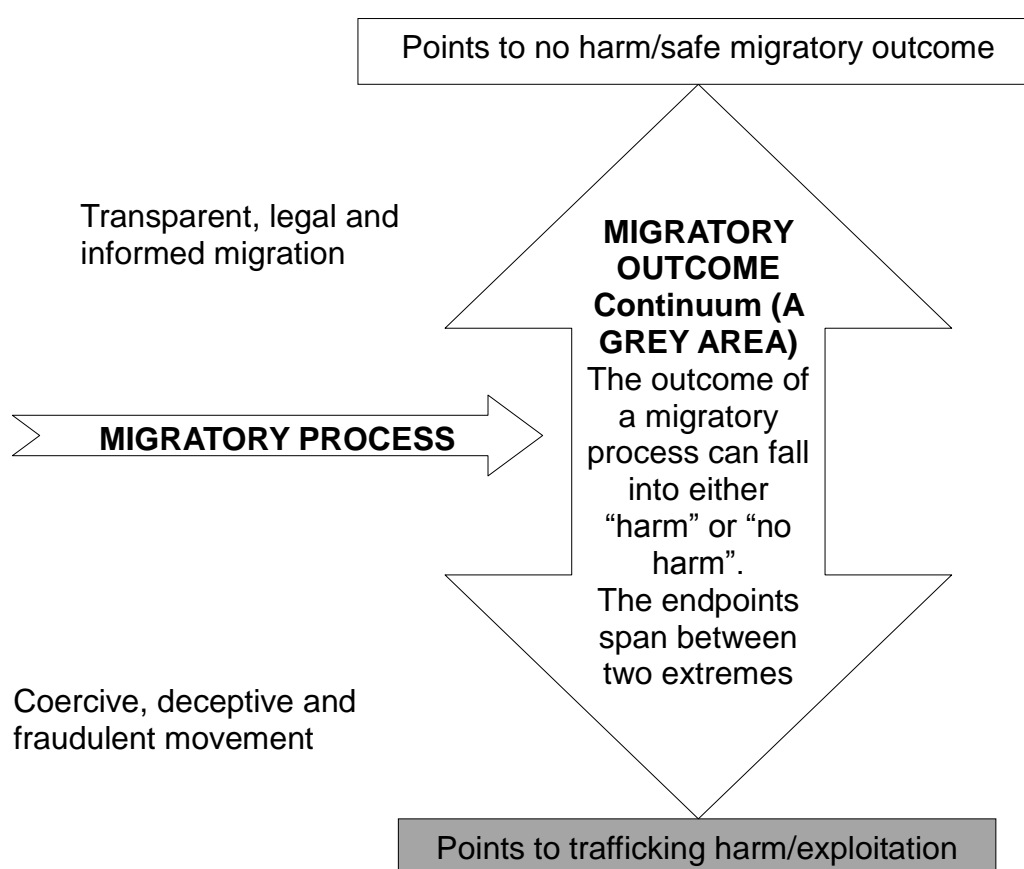
“illegal immigration” (Sector Project against Trafficking in Women, 2005). States have often viewed international human trafficking as a crime of illegal migration with supposed “victims” perceived as perpetrators of the crime of human trafficking. Viewed from a human rights lens, cross-border human trafficking is a “crime against the migrant” – particularly when the people who desire to migrate end up being exploited in destination countries. Maggie Lee describes this kind of trafficking within the context of migration as a form of “exploited migration” (Lee, 2007; Lee, 2011a; Lee, 2011b). A rights based approach to human trafficking conceptualises and approaches the problem as an issue of human exploitation and not immigration. Conceiving the debate on human trafficking as a “crime against the State” or as a problem of illegal immigration and not as a “crime against the individual” or human rights violation detract analysts from the deeper issues human trafficking engenders. Furthermore, the European Union Expert Group opinion regarding human trafficking as a human rights violation is instructive:

[P]olicies should clearly stress that trafficking in human beings is a serious crime and human rights violation, which needs to be addressed separate and apart from other forms of illegal activities, in particular illegal migration (EU Expert Group, 2004:10).

Another issue of serious concern within the migration-trafficking debate is the tendency to associate women and children together and never with men. Lee contends that such a discourse is problematic and explains why

women and child migrants routinely exploited in slavery and slave-like conditions are believed to have been “trafficked” (Lee, 2011b:6-7) unlike men in similar circumstances perceived to have “migrated” and not been “trafficked”. This perception is based on the assumption that whenever a person’s movement from one country to another has a good and happy ending, it is perceived to be “human migration” as opposed to “human trafficking” when the migration story has a bad end (see figure below). Depending of several circumstances, human migration can end in safe outcomes or harm/exploitation.

**Figure 1: The Link between human migration and trafficking**



Source: Bangladesh Counter Trafficking Thematic Group (2003).

Because legal, illegal or fraudulent migration may either result in exploitation or safe migratory outcomes, the distinction between human migration and trafficking remains complex and a question of perception. This calls for a move beyond the traditional theoretical understanding of migration and human trafficking. Such analysis would involve understanding the core issue of violation of human rights and how it can be addressed in the context of migration and its likely outcomes. Human migration which ends in a situation of harm or exploitation totally undermines the agency of the individual over the types and nature of work that s/he does, the work environment and freedom of mobility between jobs or regions. The factors influencing the loss of agency of migrant population who ends up in exploitative conditions include commercial interest of the third party, loss of control by the individual due to time factor (say, overstaying his/her legal visa), breaking and compromising basic laws and ethics in the trafficking process. The other factors which add to the woes and feelings of isolation that maintain trafficking harm are victims' lack of options and knowledge of unfamiliar environments, geographical distance and language difficulty. Moreover, familial obligations which exert pressure for financial resources for supporting family units sometimes make people accept their exploitative conditions especially when they perceive that they are better-off than returning to their previous socio-economic conditions. Back home, some societal factors such as deeply rooted cultural practices that contribute to slave-like practices such as debt bondages, early marriages or gender-based

discrimination may make return of vulnerable migrant population unattractive.

Loss of agency of the migrant population can also be due to State policies. Ineffective government policies regarding repatriation of nationals stranded abroad, including victims of human trafficking make escape a very high risk venture for victims. More worrying is the ineffectiveness of law enforcement officers in implementing existing laws and policies aimed at addressing civil crimes and abuses associated with harm and exploitation. Besides, restrictive migration policies and lack of information on safe migration compel some people to use illegal or irregular migration channels. Irregular and exploitative migration may also be an outcome of gender insensitive policies which discourage accessible, safe, and secure migration opportunities for the poor. All these factors undermine the agency of the migrant population and render them vulnerable to exploitation in the shadow economy.

### **Human trafficking as a form of slavery**

Besides human smuggling and migration, trafficking in human beings is also considered as a form of modern-day slavery. Human trafficking and traditional form of chattel slavery are inextricably linked in several ways. Both practices encompass the acquisition, transfer and exploitation of people against their will for private profit; clandestine operations; sustained by systematic human rights violations; and, seek to reduce or eliminate the agency and personal autonomy of individuals (Gallagher,

2010: 177). The anti-slavery activists who coined the ‘trafficking as modern slavery’ discourse argue that ‘new slavery’ is different from other forms of widespread oppressions and exploitation in the contemporary world. The following main elements link modern day slavery and human trafficking: involuntary nature of the activities as slaves do not have the free will to walk away from their exploitative conditions (Bales 2007); ‘severe economic exploitation’ (Craig et al., 2007: 12) usually resulting from lack of payment of a wage and inability to control one’s income; and, use violence or reliance on its prospect to exert compliance. The relationship between slavery and human trafficking is embedded in the definition of the ‘human trafficking’ in the Palermo Protocol (Art. 2)<sup>46</sup> and definition of ‘enslavement’ in the Rome Statute<sup>47</sup> of the International Criminal Court in Article 7(2)(c) in which the former makes reference to slavery and the latter to human trafficking.

The description of human trafficking as “slavery”<sup>48</sup>, “modern form of slavery” or a “practice similar to slavery” (or slave-like conditions) in various academic literature and policy discourse (Gozdziak and Collett,

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<sup>46</sup> Article 1 of the 1926 Slavery convention defines slavery as “Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. See full article at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>.

<sup>47</sup> The Rome Statute of the ICC which defines enslavement as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children”, can be accessed from: <http://www.icc-cpi.int/nr/rdonlyres/add16852-ae9-4757-abe7-9cdc7cf02886/283503/romestatuteng1.pdf>. p.4. (Accessed, 12 February 2014).

<sup>48</sup> The Slavery Convention, 1926 defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the rights of ownership is exercised”. Thus slave trade is the act involving the capturing, acquisition or disposal of a person with intent of reducing such a person to slavery or for the purpose of his/her sale or exchange. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000 classifies sale of children as slavery.

2005, Holmes, 2010, Khatiwada, 2006) is based on claims of association of the concept of slavery with trafficking related practices such as debt bondage<sup>49</sup>, serfdom<sup>50</sup>, forced labour exploitation, including commercial sex (Bales, 2005, Hathaway, 2008). Whereas the literature attempts to show the intricate linkage between trafficking and modern slavery, legal scholars suggest it is not always easy to sustain the argument that human trafficking, as a *form of slavery*, warrants strict legal prohibition as *slavery* does in international law (Gallagher, 2010: 177). This is due to the lack of clarity on the interpretation of the phrase “slavery in *all its forms*” [emphasis added] in the Slavery Convention of 1926<sup>51</sup>, which is also liable to several legal interpretations. It suffices to note that an expanded interpretation of slavery may be applicable to some trafficking related practices in circumstances where the exercise of powers attached to the right of ownership of individuals are clearly demonstrated (Allain, 2008).

Within the labour discourse, the United Nations International Labour Convention on the Worst Forms of Child Labour<sup>52</sup> (WFCL), adopted in

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<sup>49</sup> Debt bondage is a status which arises “from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”. for more details, see the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 available from: [https://treaties.un.org/pages/ViewDetailsIII.aspx?&src=TREATY&mtdsg\\_no=XVIII~4&chapter=18&Temp=mtdsg3&lang=en](https://treaties.un.org/pages/ViewDetailsIII.aspx?&src=TREATY&mtdsg_no=XVIII~4&chapter=18&Temp=mtdsg3&lang=en).

<sup>50</sup> Serfdom is the condition or status of a tenant who legally (by law, custom or agreement) lives and labours on land belonging to another person and compelled to render services to the person, whether for reward or not, without the freedom to change his/her status.

<sup>51</sup> Article 1 of the 1926 Slavery convention defines slavery as “Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. See full article at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>.

<sup>52</sup> ILO (1999) *C182–Worst Forms of Child Labour Convention*. Available at:



1999 (ILO C.182) spells out how human trafficking and slavery are interlinked (discussed in Chapter 4). The ILO Convention defines the Worst Forms of Child Labour to include “all forms of slavery or practices similar to slavery such as the sale of and trafficking of children debt bondage and servitude and forced and compulsory labour” (ILO, 1999) and calls upon state parties to adopt measure that can effectively prohibit and eliminate those practices. Both the European Trafficking Convention and the 2000 Charter of Fundamental Rights of the European Union recognise that human trafficking leads to slavery<sup>53</sup> and also outline the legislative frameworks linking human trafficking and slavery.

As outlined in Chapter 1 of the thesis, it is not easy to obtain reliable statistics on the scale of trafficking related slavery. This is due not only to the clandestine nature of human trafficking activity but also due to the fact that the phenomenon is beset with severe problem of quantification<sup>54</sup>. The challenge of quantification notwithstanding, Kevin Bales (2005), an expert on modern slavery suggests that 27.9 million people are currently enslaved in the world. The global statistics from the ILO show that of the

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<http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm> (Accessed, 10 February 2010).

<sup>53</sup> The Preamble of the European Trafficking Convention spells out that “human trafficking can lead to slavery”, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm> (Accessed, 18 February 2014). In addition, Article 5(3) of the 2000 Charter of Fundamental Rights of the European Union entitled, “Prohibition on Slavery,” includes a clause that prohibits trafficking in human beings, available at:

[http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf) (Accessed, 18 February 2014).

<sup>54</sup> For more discussions on the challenges of conducting human trafficking research see: Laczko, F. (2005b) Data and research on human trafficking: A global survey. *The Special Issue of International Migration* [Offprint ] 43 (1/2). Available from: [http://isim.georgetown.edu/Publications/ElzPubs/NIJ\\_BIB\\_FINAL\\_REPORT-1.pdf](http://isim.georgetown.edu/Publications/ElzPubs/NIJ_BIB_FINAL_REPORT-1.pdf) (Accessed 12 April 2010), Laczko, F. and Gramegna, M. A. (2003) Developing better indicators of human trafficking *Brown Journal of World Affairs*, 10, Loff, B. and Sanghera, J. (2004) Distortions and Difficulties in Data for Trafficking. *The Lancet*, 363, p. 566.

12.3 million people in forced labour, children constitute a significant fraction (ILO, 2005). The ILO further contends 6 million children are enslaved globally; about 5.7 million engaged as forced and bonded labourers; and, at least 300,000 as child soldiers.

A common attribute that ties human trafficking and modern day slavery is based on the nature of their activities: both of them perceive and treat people as property. Lott (1998) argues that slavery sits at one pole of a continuum of exploitation and shades off into servitude and other forms of exploitation rather than existing as a distinct and an isolated phenomenon. The League of Nations' understanding of slavery as a condition or status in which an individual exercises any or all the powers of the right of ownership of another human being does not in any way differ much from the slave-master relations in other normal social relationships. The powers attached to the right of ownership, oftentimes exercised by some people over their spouses, children and employees, provides a classic example of the commonalities between the practices of slavery and trafficking (Brace, 2004, O'Connell Davidson, 2010, Patterson, 1982). Human trafficking, as a process, can potentially lead to a variety of outcomes, some of which may be socially condoned, tolerated and legally regulated while others may be socially contested and thus disregarded as illegal and stigmatizing. In theory, the process intersects with a variety of markets, institutions and practices including labour markets, prostitution industry, marriage, trade in human organs and child adoption, among others. Due to social and cultural specificities, what is considered force varies considerably from

one context to the other. It even makes it difficult to ring fence trafficking as constituting appropriate and inappropriate exploitation (Davidson, 2010: 249).

The examples cited above point to some evidence which leads to the conclusion that the contemporary understanding of slavery in international law has evolved and reflects a nuanced understanding of the element of exploitative practices including labour and debt bondage, ownership and trafficking in human beings (Bales, 1999 , Bales, 2005, Gallagher, 2010). But critics warn of the danger of associating the discourse of 'human trafficking with modern day slavery'. They argue that the trafficking-as-slavery discourse narrows down rather than opens up broader discussions on effective understanding of the injustices associated with the phenomenon of human trafficking and depoliticizes the discourse (Anderson and Andrijasevic, 2008, Aradau, 2008, O'Connell Davidson, 2010).

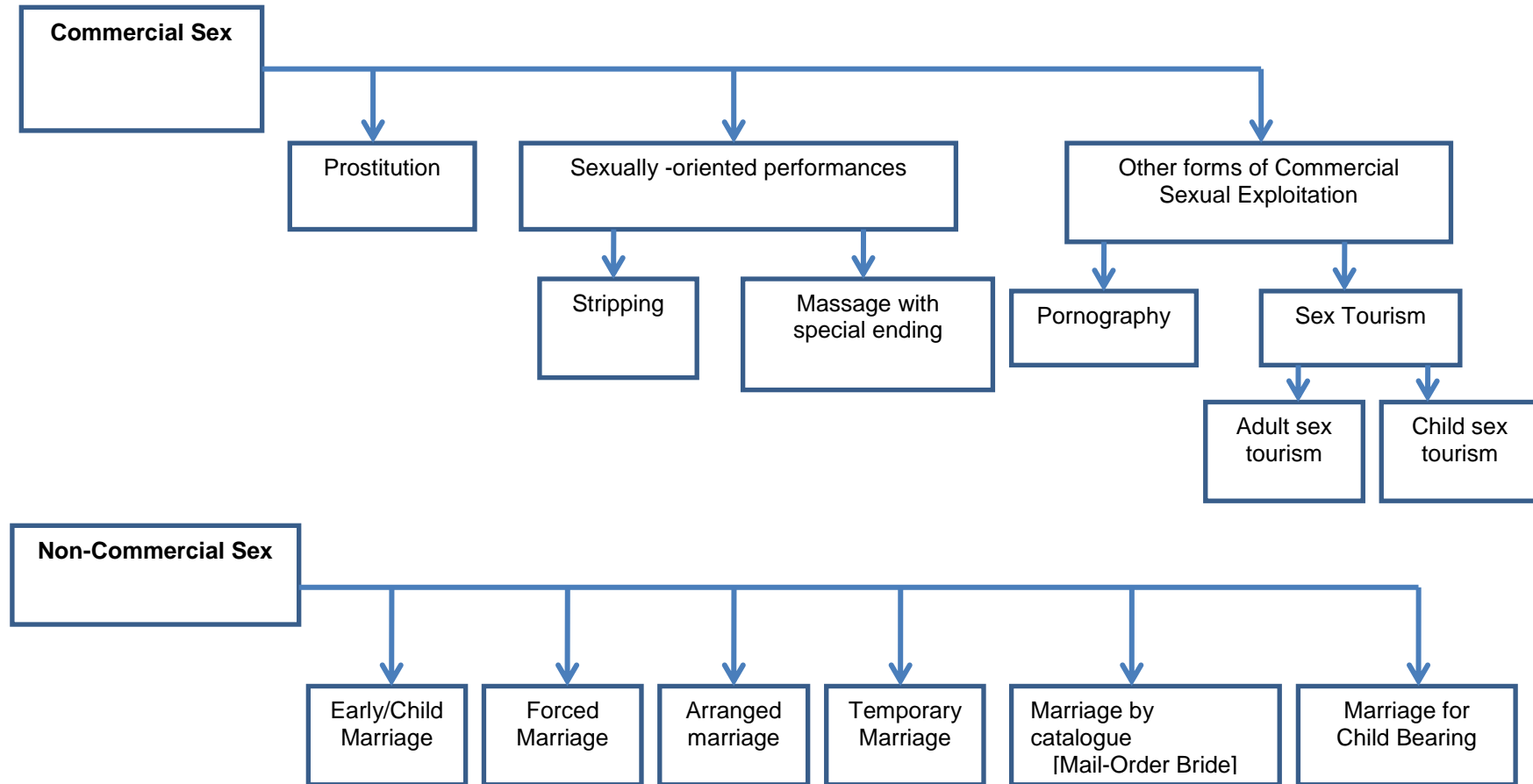
### **Human trafficking and the sex industry**

The discourse that links human trafficking and the sex industry is well documented (Doezema, 2010, Taylor and Jamieson, 1999, Goodey, 2004, Segrave et al., 2009, Singh and Hart, 2007, Joffres et al., 2008, Poffenberger, 1988, Miller, 2003, Alsikainga, 1996). Earlier stance and contemporary literature on human trafficking have coalesced around contested positions on sexual exploitation. But human trafficking as a process embodies a variety of exploitation of which sexual exploitation is

perceived dominant. At the beginning of the Chapter, I described how the earlier international trafficking Agreements and Conventions made deliberate link between the trafficking of white women and young girls and the sex industry. Since then, “trafficking narratives and counter-trafficking campaign strategies depended on the paradigmatic images of female powerlessness, sexual purity and the spectacle of transgressive bodies” (Lee, 2011b:26). These narratives reflect a broader discourse on gender dimension of trafficking and the construction of the woman’s agency.

In the 1993 *Vienna Declaration and Programme of Action*, human trafficking was identified as one of the issues that affect women’s rights and considered a form of violence (Lee, 2011a:27, Obokata, 2005, Obokata, 2006). Linking human trafficking to sexual exploitation reflects some reality as prostitution and sexual exploitation are often cited as common forms of exploitation outcomes of the phenomenon. As the figure below adopted from Mohamed Mattar (2006) suggests, sex trafficking can be divided into two main distinct categories – commercial and non-commercial sex trafficking. Each of these can be further subdivided into other sub-categories as illustrated in the figure below:

**Figure 2: Forms of sex trafficking<sup>55</sup>**



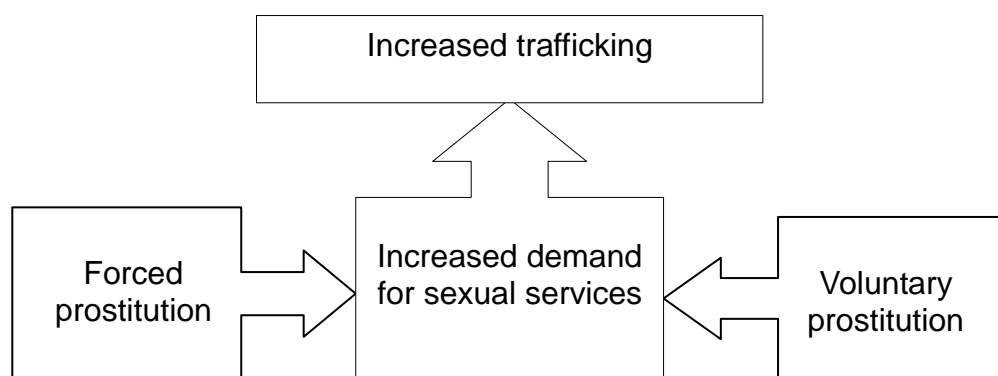
<sup>55</sup> The different forms of sex trafficking was adapted from Mohamed Mattar (2006) *Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective*, The Protection Project of The Johns Hopkins University, p.10.

As the figure above illustrates, sex trafficking is conducted either for commercial and non-commercial purposes with traffickers targeting both children and adults. In commercial sex trafficking, the endpoints of exploitation may include any or a combination of the following sexual activities: prostitution, sexually oriented performances, sex tourism and pornography. But in non-commercial sex trafficking, the primary purpose for trafficking victims is for various forms and purposes of 'marriages'. Besides, 'other' forms of sexual exploitation may also exist alongside human trafficking especially trafficking for exploitation in slave-like conditions such as domestic servitudes.

The pronounced visibility and ease in which the sex industry is recognizable makes it a highly sensational issue. It is for the same reason that moral activists feel obliged to aggressively champion anti-trafficking drives against trafficking for sexual exploitation. In spite of anti-trafficking efforts of moralists to curb the problem of sex trafficking, the high demand for and easy accessibility of sexual services in the informal economy continue to make the industry thrive. Besides, there are two points of entry into sex work: sex workers either enter the prostitution industry voluntarily or through coercion. In voluntary entry, sex workers as active agents have a choice in determining the nature and duration of their work. As sole decision makers, voluntary sex workers have the freedom to change their work at will. In forced prostitution, there is total loss of agency of the sex workers. It implies that the sex workers are totally dependent on their masters and mistresses (madams). Although it is argued that female sex

workers in legalised prostitution industry hardly experience any form of work related violence unlike those in forced prostitution, women generally experience various forms of violence in many countries no matter whether they are sex workers or not. So, how is the prostitution industry linked to that of human trafficking?

**Figure 3: Link between prostitution and human trafficking<sup>56</sup>**



Trafficking for sexual exploitation is driven by the perceived high profit the sex industry attracts. Chapter 1 of the thesis cites the high annual profits traffickers generate from sex trafficking (estimated to range from USD 7 billion to USD 12 billion), the low-risk involved in the industry, the ease of carrying out the activities and the inability of law enforcement officers to detect human traffic (Obokata, 2006, Hughes, 2000a). Research conducted on sex trafficking in Indonesia, the Philippines, Thailand, Venezuela and the United States shows that globalization is one of the main drivers of the sex industry (Cwikel and Hoban, 2005a: 307-308, Raymond et al., 2002b). Economic policies that make state-supported

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<sup>56</sup> This conceptual framework has been adopted from the work of Christal Morehouse's work on *Combating human trafficking: policy gaps and hidden political agendas in the USA and Germany* published in 2009.

services to be withdrawn in favour of privatization leave most families with the economic burdens of meeting the cost of service provision. Consequently, as vulnerable women and children are compelled to migrate to other countries to earn the badly needed foreign currency to support their families most of them find themselves in the hands of smugglers and traffickers (Cwikel and Hoban, 2005b).

The sex industry is sophisticated and highly globalised. The globalisation of information and communication technology, as cited earlier in the introduction chapter, has simplified methods through which victims of human trafficking can be easily recruited and sold. Traffickers and agents run online ads on the internet through mobile phone apps and messages, dating and adult websites, e-mail spams, social media such as MySpace, Facebook or Twitter handles, and many others. Another way in which the anonymity of online presence assists traffickers in luring victims of trafficking is by the posing as legitimate business organisations such as employment agencies, modelling agencies, massage parlours and then running online advertisements for models and employees (Cwikel and Hoban, 2005b, Hughes, 2000a, Hughes, 2000b, Joffres et al., 2008, von Struensee, 2000). Traffickers often create sham businesses and advertisements for employment opportunities online and also run adverts for services of their victims. Somad Enterprises, Inc.,<sup>57</sup> a prostitution ring which paid Google to boost its online prominence for running online ads,

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<sup>57</sup> Somad Enterprises made \$3 million off its pimp clients from January 2010 to October 2012 through running online ads in the Village Voice, the Yellow Pages and Backpage.com. For more details see on: <http://www.nydailynews.com/news/crime/prostitute-ad-executive-sentenced-prison-article-1.1358473> (Accessed 14 July 2014).



provides a classic example of how sophisticated the sex industry has become. Whereas technology plays a significant role in aiding sex trafficking as explained above, its advancement should also provide lead in providing the solution to the problem of human trafficking through identifying and tracking the digital footprint of the human trafficking offenders and in providing leads to their prosecution<sup>58</sup>.

The sex trafficking industry cannot flourish without the demand side which, predominantly comprises of the male population (and also female) whose demand is hard to saturate (Lange, 2011, Brysk, 2011). The male demand for sex is based on the myth about male sexuality and the reluctance to problematise what has been largely perceived as a male “need” that can be “satisfied” through commercial sexual exploitation. The sex industry is also viewed as part of the commodity culture that appears to be tolerated as a male right (Raymond et al., 2002a) and exacerbated by commodifying women’s bodies as sexual objects (Long, 2004). The perception of the high male demand for foreign sex workers than local sex workers is attributed to stereotypes held about foreign sex workers. The illusion that “the exotic is the erotic” has significantly conflated the

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<sup>58</sup> There are a number of digital information sharing and databases that can be used to link online digital prints and human trafficking organisations, including those provided by organisations such as the INTERPOL, the FBI’s Special Technologies and Applications Office, the IOM Global Human Trafficking Database and Counter Trafficking Module (CTM) and Asymmetric Threat Response and Analysis Program (ATRAP). ATRAP is military hi-tech database used for ingesting raw intelligence messages from multiple sources and employs advanced text processing and correlation capabilities in generating link and pattern analyses, and for displaying such information in a three-dimensional, geotemporal visualisation environment. Major’s (2012) detailed analysis of the use of technology in human trafficking can be accessed from:  
[http://www2.cs.uidaho.edu/~oman/CS336/Major\\_HumanTrafficking.pdf](http://www2.cs.uidaho.edu/~oman/CS336/Major_HumanTrafficking.pdf) (Accessed, 12 June 2014).

demand-supply dynamics of foreign sex trade especially in developed countries (Batros, 2004). Yet across the globe, little is known about the so-called customers of the sex industry as they are significantly invisible in the exploitation chain. Lange, Brysk and Raymond, however, overlooked the fact that trafficking for sexual exploitation does not discriminate against any gender as both males and females can be victimised. Although more females are vulnerable to trafficking, a significant number of males also get trafficked for sexual exploitation.

Besides, there are structural issues in many societies in the world which facilitate sex trafficking including social inequalities and lack of economic independence especially among women and children. In patriarchal societies, for instance, females heavily depend on male spouses or relatives for socio-economic and political decisions. Structural inequalities and culturally induced biases increase social and economic desperation and vulnerability which traffickers usually exploit. Structural inequalities can be further exacerbated by discrimination based on age and gender and sexual, gender based violence and more specifically, violence against women and girls (UNICEF, 2005, Widom and Kuhns, 1996).

Political instability, civil unrest, militarism and internal armed conflicts have direct or indirect contribution to increased sex trafficking in transitional societies. Alongside destabilisation, population displacement and destruction of property, most contemporary armed conflicts are associated with the abduction and enslavement of civilian population, especially women and children as sex slaves, forced labourers, child soldiers,

human portages and human mine detectors. War and civil unrests also impact on orphans and vulnerable children who are extremely vulnerable to human trafficking. There is also a growing body of research which shows that peacekeepers have either created or substantially contributed to the demand for sexual services in areas where deployed (Allred, 2005, Ekberg, 2002, Friman and Reich, 2007, Mirkinson, 1997, Mirzoyeva, 2004, Shelley, 2010, Tritaki, 2003). This has resulted into a significant trafficking of women to meet the sexual demand of the forces. It also means that the deployment of international peacekeeping forces intended to solve one international security problem may result in aggravating another social and human security problem. Alongside indirect support which some peacekeeper provide through seeking sexual favours and 'patronising' women, girls and sometimes men who may have been victims of sex trafficking, evidence points to a small number of international peacekeeping forces involvement in the trafficking of women for sexual exploitation. But the presence of brothels and the rise in prostitution in the vicinity of military permanence are always not random; brothels are spots which provide troops with the atmosphere for relaxation, resting and entertainment (Mirkinson, 1997). The trafficking literature is awash with examples illustrating the association of sex trafficking and military bases. A few examples include Kampuchea military base as destinations for prostitutes trafficked from Vietnam and China (Shelley, 2010) and the US troops bases in Okinawa, the Philippines and Korea that were rest and recreational camps during the Korean War, Vietnam War and the occupation of the Philippines.

Evidence from the literature presented above points to a strong link between human trafficking and sexual exploitation that occurs in the shadow economy. However, focusing too much emphasis on the sex trafficking discourse at the expense of other forms of human trafficking can be detrimental to the human trafficking discourse as the drivers of human traffic are vast and extend beyond the sex trafficking narrative. Sex trafficking accounts for only about twenty five percent of all trafficking cases (Hughes, 2000a). This implies that nearly three-quarters of the victims are trafficked for a variety of reasons other than sex. Alongside sex trafficking, some people are trafficked for other forms of non-sexual economic activities including labour activities such as in domestic servitudes, farming and factory work, begging or adoption or healthy organs for donations. Implied in the sex-trafficking estimate is the warning that counter-trafficking policies need to be void of bias and should aim at minimising potential risk of deviating away from addressing all forms of human trafficking.

A broader understanding of human trafficking beyond the sex trafficking narrative is highly desirable. I argue that until the trafficking discourse is broadened to cover other forms of trafficking, sex trafficking will continue to dominate the public debate on human trafficking and counter-trafficking responses. To that end, for the human trafficking discourse to be comprehensive it should emphasise the broad understanding of the phenomenon and aim at addressing all forms of abuses victims suffer and not just focus on sex trafficking (especially women and girls). It is only

then that the human trafficking debates and counter-trafficking narratives will become less controversial.

Although the preceding section unpacked the link between human trafficking and the sex industry, I contend that it provided partial knowledge regarding the human trafficking discourse and failed to engage with other trafficking related exploitative and abusive conditions which also occur in other industries other than sex trafficking. The trafficking framework also need to focus on addressing abuses inherent, not just in the trafficking of women and girls into the sex industry, but also broader exploitation in the shadow economy. The linkage between human trafficking and the shadow economy raises a critical issue of organised crime. Now, I will broaden the debate on human trafficking by examining trafficking-as-organised-crime and this will be followed by a discussion on human trafficking as a human-security issue in the two sections which follow.

### **Human trafficking as an organised crime**

Aradau (2008) suggests that problematising human trafficking using organised crime framework is similar to the debate on illegal immigration in that both human trafficking and organised crime discourses raise the problem of definitional and identification boundaries. Before delving deeper into the debate on trafficking-as-organised crime, we need to understand the meaning of organised crime and the nature of criminal organisations involved in human trafficking. It is not easy to define

'organised crimes'<sup>59</sup> due to their multifaceted nature (Pomodoro, 2001 : 241). Webster suggests that an organised crime is a form of parasitic organisation with symbiotic relationship between the formal and the shadow economies. As an underbelly of globalisation which is also dependent on its process (Webster, 1997), an organised crime group often exploits every available opportunity to enable it develop strong, legitimate economic and political networks of influence in society. An organised crime is a major threat to society because it penetrates the State, destabilises and undermines its roles. The European Commission (2001)<sup>60</sup> cites quick profit accumulation as the main motive behind organised criminal activities which they achieve through exploiting weak legislations and other contextual vulnerabilities. But the opinion Edward and Gill hold that the link between the activities of organised crime groups and transnational actors undermine the otherwise orderly internal functioning of systems within the State (Edwards and Gill, 2002) is problematic. The duo assumes that internal state systems will always function perfectly except when external forces interfere with their systems. This assumption grossly misrepresents the practical reality affecting the efficacy of internal State systems, especially in many countries in the world, with organised criminality being a fraction of many other factors.

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<sup>59</sup> In the literature of organised crime, its definition has never been consistent. However, various terms have been used interchangeably with 'organised crime'. These include 'syndicate crime', 'professional crime', 'organisational crime', 'illegal enterprise', 'underground empire', 'gang', 'secret society', 'triad', 'snakehead' or simply 'mafia'.

<sup>60</sup> For more information see Official Journal of the European Communities on "the prevention and control of organised crime: a European Union strategy for the beginning of the new millennium", available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2000:124:TOC> (Accessed, 14 July 2014).

Berdal and Serrano suggest that States are often concerned about the security implication of transnational organised crime. This is because they perceive organised crime as a growing transnational industry with increased capability and reach across international borders and that it also has significant connection with the formal and informal economies. States also find coordination of law enforcement difficult in the contemporary context where international borders are increasingly porous and globalisation of the economy allows transactions to be conducted with all kinds of criminality. Yet the link between organised crimes and civil wars makes it an issue of State security (Berdal and Serrano, 2002).

The Russian organised crime groups are classic examples that illustrate how organised crime groups have capabilities to replace failed, collapsed or failing States by providing powerful alternative forms of 'legitimate' systems of government. Webster observes that

One of the most pernicious aspects of Russian organised crime activity for law enforcement is financial criminal activity. Russian organised crime groups have acquired former state enterprises through privatization at pre-arranged 'auctions' and at knock-down prices (Webster, 1997: 19).

Organised crime groups are also capable of expanding their activities beyond the provision of alternative systems of governance, including trafficking in human beings. But what do we know about the link between large-scale organised crimes and human trafficking? There is a long-

standing literature<sup>61</sup> on the nature and structure of criminally sophisticated organisations which engage in human trafficking and smuggling networks. Vocks and Nijboer challenge the claim that large-scale organised crime is at the heart of human trafficking through arguing that trafficking is a phenomenon which involves small networks of people, often known to each other, who recruit and exploit others (Vocks and Nijboer, 2000). The mainstream international legislations in the contemporary anti-trafficking discourse that focus on organised crimes<sup>62</sup> are the UN Convention against Transnational Organised Crime and its supplementary Trafficking Protocol. The laws criminalise organised crime and call for the prosecution of actors involved in international human trafficking and other

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<sup>61</sup> For more discussions on organized crime, see: Bruggeman, W. (2002) Illegal immigration and trafficking in human beings seen as a security problem in Europe In: *Paper presented at the European Conference on Preventing and Combatting Trafficking in Human Beings: Global Challenges for the 21st Century*. Brussels: , Bruinsma, G. J. N. and Meershoek, G. (1999) Organised crime and trafficking women from Western Europe in the Netherlands. *Transnational Organised Crime*, 4, pp. 105-118, Budapest Group (1999) *The Relationship Between Organised Crime and Trafficking in Aliens*. Viena: International Centre for Migration Policy Development. , Obokata, T. (2005) Shorter Articles, Comments, and Notes: Trafficking of Human Beings as a Crime Against Humanity: Some Implications for the International Legal System. *International & Comparative Law Quarterly*, 54 (02), pp. 445-458, Obokata, T. (2006) *Trafficking in Human Beings from a Human Rights Perspective: Towards a Holistic Approach*. Vol. 89 Leiden: Martinus Nijhoff Publishers, Picarelli, J. and Williams, P. (2005) Combating Organized Crime in Armed Conflicts. In: Ballentine, K. and Nitzschke, H. (eds.) *Profiting from Peace: Managing the Resource Dimensions of Civil War*. Boulder: Lynne Rienner, pp. 123-152 , Williams, P. (2002) Transnational organised crime and the state. In: Hall, R. B. and Biersteker, T. J. (eds.) *The Emergence of Private Authority in Global Governance*. New York: Cambridge University Press, pp. 161-182, Woodiwiss, M. and Hobbs, D. (2009) Organized Evil and the Atlantic Alliance: Moral Panics and the Rhetoric of Organized Crime Policing in America and Britain *The British Journal of Criminology*, 49 (1), pp. 106-128.

<sup>62</sup> Note that according to the *UN Convention against Transnational Organised Crime*, transnational organised crime is defined as “one of the major threats to human security, impeding the social, economic, political and cultural development of societies globally. It is a multi-faceted phenomenon and has manifested itself in different activities, among others, drug trafficking; trafficking in human beings; trafficking in firearms; smuggling of migrants; (and) money laundering...the UN Convention against Transnational Organised Crime ... is the main international instrument to counter organised crime”. The links to the documents are available from:  
<http://www.scodc.org/category/organized-crime/> and  
<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf> (Accessed, 6 June 2012).



problematic criminal behaviours requiring criminal justice (Lee, 2011b:84-92).

Paradoxically, the processes which sustain human trafficking and other criminal activities (such as money laundering and illicit financial businesses) are the same processes which contribute to the world economic growth and development (Stessens, 2000: 91). To Hughes (200: 10), human trafficking is more than just a form of organised crime which would be non-existent without recruiters and accomplices – a view that reinforces the conceptualisation of human trafficking in criminal terms (Gore et al., 2003). Does the conceptualisation of human trafficking in organised criminal framework broaden our understanding on how the problem could be addressed? If so, what are the limitations of the theoretical analysis? The next section offers a critique of this framework.

### **Critiquing the framework of ‘human trafficking as organised crime’**

Despite the fact that ‘trafficking-as-transnational-organised crime’ framework is applicable in broadening our understanding on transnational human trafficking, it has some serious limitations. Critics are concerned about the ‘alarmist interpretation’ of human trafficking as a crime problem (Taylor and Jamieson, 1999) as it elicits criminal justice response framework (Lee, 2011b:84). Some scholars also refute the claim that transnational organised crime dominate trade in human beings (Sheptycki, 2003, Hobbs, 1998). Lee, for instance, argues that the framing of human trafficking as an organised crime oversimplifies the debate on

human trafficking and ignores culpability of legitimate and illegitimate national and international organisations, groups and institutions which significantly engage in the human trafficking chain (Lee, 2011b). In line with Lee's assertion, Kyle and Liang, Human Rights Watch, Ruggiero and some scholars have raised a pertinent question regarding whether formal and informal local and international organisations complicit in the human trafficking could be regarded as organised crime groups (Kyle and Liang, 2001, Human Rights Watch, 2002, Ruggiero, 1997). International civilian personnel and peacekeepers, international organisations, private businesses, job recruitment agencies and marriage consulting firms have always been implicated in human trafficking and yet these organisations do not fit within Webster's definition of what organised crime groups engender.

Susan Strange (1996) also warns against the danger of over romanticising the concept of human trafficking as organized crime. She asserts that whereas crime syndicates exist at all levels in the community, the constant expansion of local organised crime groups to the global horizons are facilitated by enabling infrastructures of licit and illicit activities as a response to the forces of globalisation. Williams (2002) contends that transnational organised criminal groups function well by exploiting 'capacity gaps' created by systemic challenges in weak states or states in transition. Shelley and Picarelli (2005:52-53) describe the connections between human trafficking, transnational organized crime,

corruption and terrorism as 'unholy trinity' and a means of legitimising a military response strategy by the state.

To some, the framing of human trafficking as organized crime threat is a conspiracy theory (Woodiwiss and Hobbs, 2008, Loader, 2002, Huysmans, 2000, Hobbs and Dunnigham, 1998, Finckenauer, 2001, Levi, 2007). Lee (2011b) and Woodiwiss (2003) criticise the concept as "improvisational, contingent and disorganized" and the analytical framework irrelevant to understanding multifaceted and systemic organised crimes.

Furthermore, Lee (2011b) problematises the 'illiberal' use of language in the human trafficking paradigm through arguing that the transnational organised criminal connotation dilutes the discourse of trafficking and frames traffickers as people of a 'separate' and distinct criminal class'. The criminology language embedded in the trafficking literature alienates and reinforces 'criminalisation of the other', elicits a 'crises mentality', 're-dramatises crime' and 'demonises human traffickers'. Besides, the analytical framework of 'trafficking-as-organised crime' justifies, normalises and reconfigures national and transnational institutions of governance that favour enforcement-led intervention in 'cracking' down suspected 'human trafficking' related problems.

Enforcement-led counter-trafficking framework is self-defeating. This is due to its narrow focus and ability to strengthen the powers of state

apparatuses<sup>63</sup> even if traffickers were to be apprehended. It is also reactionary and insensitive to the rights, interests and welfare of victims of human trafficking. Friman and Reich (2007) and Skeldon (2000) suggest that enforcement-led approach often fails to break human trafficking chain because traffickers, their accomplices and a 'continuum of beneficiaries' quickly adapt their operations to the underground world to elude external threats. Against that backdrop, enforcement-led counter-trafficking intervention calls for a re-think of the trafficking process and a deeper understanding of its unintended adverse implications to victims (Lee, 2011b:25).

The State frames the problem of human trafficking using the organised criminal lens as an 'organised immigration crime problem'. This framework of analysis, as Crépeau and Nakache (2006) note, oversimplifies the discourse of human trafficking and mixes it with issues of immigration and border controls. The seemingly 'bias' perspective of the State has culminated in the human trafficking discourse reconstruction and progressive securitisation. The UK Serious Organised Crime Agency of 2009 and the 'Budapest Process' of the European Council reports illustrate how the State apparatuses can be invoked to address threats posed by human trafficking, disguised in the name of national sovereignty and security.

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<sup>63</sup> Many states conceptualise human smuggling and trafficking as organised 'immigration crimes', 'illegal immigration' and a 'security problem'.

Woodiwiss and Hobbs (2009) describe the transnational organized crime thesis as a 'distinctly American' philosophy embedded in its international conspiracy theory of 'constructing' it as a global threat. The transnational organized crime thesis has led to the 'Americanisation' of international law enforcement in which international legal norms are predominantly defined in US terms. The co-option and application of the concept of transnational organized crime to the human trafficking discourse is largely viewed as a legacy of America's construction of 'war on drugs', which it assumed, have the same threat as transnational organised crimes. Although international relations and politics have been in the forefront in conceptualising human trafficking in transnational organised criminal terms, the US is usually at the core in shaping its norms.

The US, with its self-acclaimed minimum standards, reviews and publishes Trafficking in Person (TiP) reports annually (Wotipka and Ramirez 2008). The legitimacy of the US in assessing and ranking every State's compliance to the 'minimum standards' through the 3Ps framework – of 'prevention', 'protection' and 'prosecution' – has been heavily criticised as an ideological and 'political toolkit' that is dependent on human misery (Kempadoo, 2005, Global Alliance Against Traffic of Women, 2007, Segrave et al., 2009). It is also a diplomatic machination for advancing the US foreign policy and commercial interests (Kempadoo, 2005:45). Moreover, the framework the US uses for ranking States' 'compliance', as will be explained below, is a disguised tool for alienation, demonization and isolation of States (ibid.:80). Dillon considers the US

ranking system selective, generally too generous much of the time and unreliable (Dillon, 2008:131).

Whereas the US has been hailed for its global efforts to counter the problem of trafficking, the Americanisation of trafficking as organised crime and its global projection of influence is embedded with serious contradictions. Tying State compliance (from Tier 1 for total compliance to Tier 3 for non-compliance) to US foreign development aid and assistance, cooperation and reputational gains is problematic. In theory, a non-compliant State under the Tier system is liable to face 'diplomatic' consequences from the US. Yet, apart from the ranking of the States into any of the three categories, the framework fails to provide solutions to the systemic challenges that trigger and sustain the problem of human trafficking.

The US Government is also selective in reinforcing the implementation of its set standards. It is more worrying to observe that the US set standards do not apply to all States; it waives sanctions to some non-compliant States ranked in the 'Tier 3' category (including Saudi Arabia). The US Government argues that the rationale for 'exempting' some 'non-compliant' States (such as Saudi Arabia ranked in the Tier 3 category for three consecutive years) is based on America's national interests of 'security' and 'economic' agenda (US Department of State, 2007). This serious contradiction is equivalent to the proverbial 'shooting of one's own foot'.

The analyses in the preceding section highlighted how organised crime thesis and transnational human trafficking are interconnected to the underbelly of globalisation. Yet the thesis does not fully provide a nuanced understanding of the complexity of the contemporary problem of human trafficking. The analyses also showed the difficulty in reaching a consensus on the appropriate use of the term 'organised crime' especially when it is applied to the human trafficking discourse. This is due to the fact that organised crime groups vary considerably from small loosely connected networks of individuals to larger, hierarchical and more complex organisations. And, not all organised crime groups – small or large, highly hierarchical or disorganised – behave like legal enterprises. Applying the trafficking-as-organised-crime discourse has analytical and practical consequences to trafficking. Although the 'organised crime' analytical framework facilitates the work of law-enforcement institutions by giving them a clearer focus, it faces the dilemma of having effective response mechanisms when defined too broadly. A very narrow definition also has the potential of omitting significant developments and issues that could have been prevented. Because of the focus of organised crimes on illegal activities, modern criminal laws face the challenge of how to effectively punish the individuals in the group for what they are (belonging to a criminal organised group) and their actions such as the use of violence in human trafficking.

Although there are specific political and institutional interests driving the various efforts for countering threats posed by 'organised crime groups',

collective criminality presents a significant danger not only to the State and society but their devastating effects also impact human security. It is this critical perspective of the debate in the human trafficking discourse that I finally turn to explore in the section below.

### **Human trafficking as an issue of human security**

Contemporary debate relating to the interactions between human trafficking and human security framework (Tadjbakhsh and Chenoy, 2007a, Howard-Hassmann, 2012, Friman and Reich, 2007) revolves around understanding the factors that heighten people's vulnerability to trafficking within countries of origin, transit and destinations and means of addressing them. Before I proceed to explore how human security theoretical framework applies to the human trafficking discourse, it suffices to briefly outline what human security agenda entails.

In international security theory and practice, human security agenda has been framed as a transformative project which deconstructs traditional security discourse and seeks to reinvent the theory and practice of security beyond the national security priorities of the State (Acharya, 2001, Paris, 2001). It is a construct that reconceptualises and provides answers to the question pertaining to how the security of the individual can be brought to the same level with that of the State (Benedek, 2008: 7). This major paradigm shift to holistic people-centred approach to security particularly on how non-military threats contribute to the daily insecurity of many people around the world (United Nations Development



Programme, 1994b: 22, Walt, 1991: 212) problematises the traditional view of security in which States were considered better placed to address individual security concerns (Duffield, 2007, Ewan, 2007). In summary, human security is understood as the security of people against threats to human dignity (Benedek, 2008: 9) and incorporates “minimum core aspects of both human rights and human development” (Kaldor, 2007: 184).

In contrast to the dominant national security focus on existential external security threats to the State’s territorial integrity, human security agenda posits that States have become potential sources of threats to their citizens rather than being the protectors of their security (Commission on Human Security, 2003: 2, Ewan, 2007: 182, Mack, 2004: 366, United Nations Development Programme, 1994a: 22). In his seminal writing, Axworthy<sup>64</sup> opines that the State can potentially be a source of insecurity to its citizens:

Hobbled by economic adversity, outrun by globalization, and undermined from within by bad governance, the capacity of some states to provide this protection has increasingly come into question. This capacity is particularly obvious in war-torn societies. The state has, at times, come to be a major threat to its populations’ rights and welfare ... This drives us to broaden the

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<sup>64</sup> Axworthy, a Canadian former Foreign Affairs Minister is regarded as a champion of human security agenda in the country’s foreign policy since World War II. See David Bosol’s article on “The Politics of Self-righteousness: Canada’s Foreign Policy and the Human Security Agenda”, available at: [http://www.eisa-net.org/be-bruga/eisa/files/events/turin/bosold-Bosold\\_SGIR.pdf](http://www.eisa-net.org/be-bruga/eisa/files/events/turin/bosold-Bosold_SGIR.pdf) (Accessed, 23 May 2014).

focus of security beyond the level of the state and towards individual human beings (Axworthy, 2001: 19).

From a human security perspective, security threats posed by the State on its citizens can be minimised by creating environments for individuals to exist in a state of “freedom from want” and “freedom from fear” (Acharya, 2001: 443) – the fundamental “freedoms” at the core of the philosophy of the United Nations (Alkire, 2002). The intellectual origins of the United Nations’ work in promoting the general ideas of human security dates back to the 1940s. But in the 1994 *Human Development Report: New Dimensions of Human Security*, the United Nations Development Programme (UNDP) introduces human security agenda as a means of bridging the “freedom from want” and “freedom from fear”, covering non-military threats. UNDP views human security as providing safety of the people from threats such as hunger, diseases, oppression and other chronic issues which hurt and disrupt people’s patterns of life. Consequently, it identifies seven major dimensions of human security to include *economic; food; health; environmental; personal*<sup>65</sup>; *community*<sup>66</sup>; and, *political security*<sup>67</sup>. UNDP also envisages the following four main characteristics underpinning human security: a) As a *universal* concern, human security is applicable to all people and societies; b) The components of human security are *interdependent* such that diverse types of threats are interwoven; c) Human security is *preventative* in the sense

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<sup>65</sup> Personal security includes safety from torture, war, criminal attacks, domestic violence, drug use, suicide and traffic accidents.

<sup>66</sup> Community security encompasses the survival of traditional cultures and ethnic groups.

<sup>67</sup> Political security entails freedom to enjoy civil and political rights.

that earlier intervention rather than late intervention ameliorates and reduces the root causes of insecurity; and, d) human security is *people-centred*; its central focus is on individuals and not just relationships among nation-states.

The re-conceptualisation of traditional security discourse and the paradigm shift to human security resulted in most Western governments, multilateral organisations, international and local NGOs adopting the broader human security agenda as their central policy focus. The discourse further influenced the creation of an international legal norm, the “Responsibility to Protect” (R2P), which legitimises the right of the international community to defend the security of citizens in circumstances where their own States are unwilling or unable to do so. In theoretical terms, human security agenda dissolves conventional disciplinary boundaries and prevailing paradigms and allows for in-depth appreciation of the connections between “multiple risks and threats in an increasingly complex and globalised world” (Burger, 2004, Tadjbakhsh and Chenoy, 2007a, Thomas and Tow, 2002).

Amartya Sen contends that the main concern of human security is with the daily survival and dignity of human beings (Sen, 2000). Yet there are multiple risks and threats which undermine the daily life and human dignity including those from the human trafficking front. But how does the human security theoretical framework apply to the human trafficking discourse? I argue that the extended concept of human security is essential in understanding and addressing not only the rights of trafficked

persons to personal safety but also other broader aspects including economic, political, legal, community and cultural security.

Trafficking in human beings is a crime that threatens two distinct protected security interests: State and human security. In State security terms, human trafficking is perceived as a crime against the State while in general human security terms, it is a crime against the individual. The recognition of the threat human trafficking poses to the State and the individual significantly broadens the discourse from the traditional understanding of security from *State* security to *human* security. But the problem with the State conceptualising human trafficking discourse as a threat to its security (territorial integrity) undermines the understanding of how problem of internal trafficking significantly contributes to insecurity of the individuals. In Brazil, for instance, where up to 100,000 Brazilian women and children are sexually exploited every year, including 40,000 children trafficked internally, internal trafficking presents a significant threat to the security of the individuals rather than the State (Mattar, 2006: 259).

Conceptualising cross-border trafficking as a threat against the State or a crime of immigration legitimises States enforcement-led intervention policy which relate too raids, rescue and deportation of victims of trafficking. A human security perspective views human trafficking as a threat against the individual and demands that the State reviews its enforcement-led policies to allow cross-border human trafficking victims some form of compassion. Such compassions include the State willingness to grant

victims some form of residency statuses and dismantle conditions that may lead to re-victimisation of vulnerable individuals from the countries of origin.

The distinction between human security perspective and State security described above directly impacts criminal justice policies of many nations, particularly on the policy of non-criminalisation of the acts of victims, incident to trafficking. These may include falsification of identity and travel documents, involvement in illicit activities and other trafficking related engagement. Although the principle of non-criminalisation may not be reflected in domestic legislations of most States, a human security approach requires that States avoid criminalising victims of trafficking for unlawful acts committed due to their direct victimisation by traffickers. States are also required to recognise victims as persons entitled to basic human rights protection. This raises yet another issue regarding who a real victim of human trafficking is and who is not. A human security framework suggests an extended definition of victims of trafficking and ways of identifying them.

From a human security perspective, victims' identification extends beyond the trafficked persons to include 'derivative' victims. I use the term derivative victims to refer to members of their families who deserve equal protection the same way it is accorded to primary victims of trafficking. The justification for extending the identification of victims to include derivative victims centres on the following three main concerns. Firstly, both primary victims of trafficking and their families oftentimes face

substantial threats from traffickers; it means they deserve similar protection. The second and most compelling factor driving population movement is mainly economic – the need to support families back home. Unless the structural problems at source countries are dealt with, primary and secondary victims are often vulnerable to trafficking. Thirdly, human trafficking related exploitation stigmatises not only the primary victims but it ramifications to the entire victims' families, the derivative victims are immense. A human security approach would allow for the extension of the definition of victims of trafficking that covers the larger vulnerable population or the population perceived to be at risk to trafficking as potential group(s) of victims. Even before the individuals are trafficked, the most vulnerable social groups that fit the categorisation of the population 'at risk' of trafficking are women and children. Factors such as dire poverty, discrimination based on cultural norms and armed conflicts significantly undermine the human security of the most vulnerable. In order to prevent the occurrence of human trafficking, a human security perspective would focus on addressing the underlying causes of human vulnerability. Preventive responses would also be broadened to tackle socio-economic reforms which alleviate poverty, eliminate harmful discriminatory practices and enhance measures for human security. States are also required to recognise an extended definition of all forms of human trafficking that goes beyond exploitation in the prostitution and labour industries. Similarly, counter-trafficking responses from a human security perspective should be cognisant of the various forms of human trafficking embedded in Article 3 of the UN Trafficking Protocol. Some

countries have made significant strides in incorporating the broad definition of trafficking into their domestic legislations<sup>68</sup> but most national laws still have limited definitions of human trafficking, as was highlighted in Chapter 1 of the thesis.

A comprehensive response to the problem of human trafficking is that which requires the cooperation of both State and non-state actors (Mattar, 2006). This framework establishes international obligations on State parties to cooperate with NGOs. The involvement of civil society and non-governmental organisations are significant in counter-trafficking particularly from a human security perspective. Because NGOs are organised as global networks, their visibility, lobbying capacities and impact at the international level become not only relevant but also significant in counter-trafficking. NGOs also have the ability to adjust their actions to suit regional and local contexts. Although NGOs can potentially prevent, protect and respond to human trafficking concerns (through repatriation, rehabilitation, reintegration of victims into society and prevention of re-victimisation), they face challenges of regional and local contextual adjustments in attempting to establish functional regional networks. State interference and lack of support of NGO activities exist alongside their inadequate capacities to handle counter-trafficking on their own. The Togo's example of 2003 illustrating how poor NGO-government coordination can seriously undermine service delivery to victims of trafficking is instructive (Human Rights Watch, 2003).

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<sup>68</sup> See sample laws in: Article 246 of the Criminal Code of the Czech Republic; Article 250(a) of the Penal Code of the Netherlands, and Sections 61-63 of the United Kingdom's Sexual Offences Act, which entered into force in May 2004.

The applicability of human security to the human trafficking discourse is not without limitations. One strand of the criticism of the human security agenda comes from its attempts to cover a wide range of potential threats. Because human security agenda lacks sufficient definitional boundaries, its precision, analytical utility and policy focus reduce (Paris, 2004: 371, Suhrke, 1999). Besides, it faces a core task of finding means of delineating a much more narrower and manageable focus that addresses all aspects of the problem of human trafficking. Although the human security agenda fails to bring forth anything new in the security discourse, policy-makers integrate its frame into the existing traditional security agenda instead of reconceptualising the understanding of security itself or entirely reformulating their approaches of attaining it (Bonner, 2008, Ewan, 2007, Hudson, 2005, Kerr et al., 2003: 93, Khong, 2001, Nuruzzaman, 2006).

Another strand of criticism builds on the failure of human security agenda to represent anything regarded as “original” especially in the field of peace and security. Critics assert that the (ab)use of the concept of human security discourse appears to reinforce the dominant power relations and structures within the international system which, paradoxically in itself, is a threat to human security. This viewpoint suggest that the core issue facing human security agenda is how the construction of its discourse led major powerful world players (states and institutions) to construct “new” threats and also their turnaround to claim capabilities of addressing the constructed threats. Throughout history and also in modern times, critics



note how the promotion of the human security agenda is often a means of legitimising mechanisms of dominance and control in the international system by powerful (external) actors over weak ones (States, institutions, communities and individuals) without any clear accountability system or through undemocratic implementation. The politics of the international trafficking norms and how States and non-state actors implement them reflects power structure in the international system.

More still, another strand of critique of the human security agenda builds on post-positivist writings on “critical approaches to security” literature. Positivists warn of the danger of broadening the concept of security and the problematic nature of conceptualizing any threat and linking it to security (Ewan, 2007). The danger here is, when an issue is labeled as a security matter, it is immediately portrayed as urgent. The urgency reinforces the claims to priority and attention on policy agenda; invokes a climate of ‘extraordinary’ uncritical interventions; creates binary political dichotomies of us/them or friend/enemy; and risks undermining the democratic process of consultation and accommodation of alternative voices, solutions or dissents (Denzin and Lincoln, 1994, Kaldor, 2007, Newman, 2001). The conceptualisation of human trafficking as an issue of State security thus reinforces the dichotomy of us versus them, legitimises military-like interventions of raid-and-rescue, deportation and makes victim-centred approach irrelevant (Benedek, 2008, Suhrke, 1999, Oberleitner, 2005).

Even more problematic is the propensity of human security discourse to “confirm or reproduce the dominant views” of security and its ramifications on “deepening and widening orthodox practices on security” (Ewan, 2007: 186). Traditionalists argue that conceptualising any threat to an individual as a human security issue masks, justifies and/or legitimises a more invasive form of neo-colonial and neo-imperialist intervention by external actors (Duffield and Waddell, 2006: 20, Ewan, 2007, Pupavac, 2005). Buzan (2004: 370) and Krause (2004: 367–368) suggest that the broad perspectives of human security can potentially have unintended counterproductive implications. Involving external counter-trafficking actors in a foreign State pose serious questions regarding power asymmetry, conflict of interests and legitimacy. Some of these concerns undermine the efficacy and legitimacy of foreign interventions in counter-trafficking.

The Commission of Human Security 2003 Report suggests that the concept of human security is “‘deliberately protective’ ... to safeguard the vital core of human lives from critical pervasive threats, in a way that is consistent with long term human fulfillment” (The Commission of Human Security, 2003: 10). From this perspective, therefore, human security framework is oriented towards whom to protect rather than from whom the protection is needed. Because specific contents of human security are determined by States and international organisations, the framework is perceived as weak. Nevertheless, the concept of human security remains essential and relevant to the human trafficking debate as the emphasis on

“freedom from fear” and “freedom from want” is primarily a human rights issue deeply tied to the idea of security of individuals and nations.

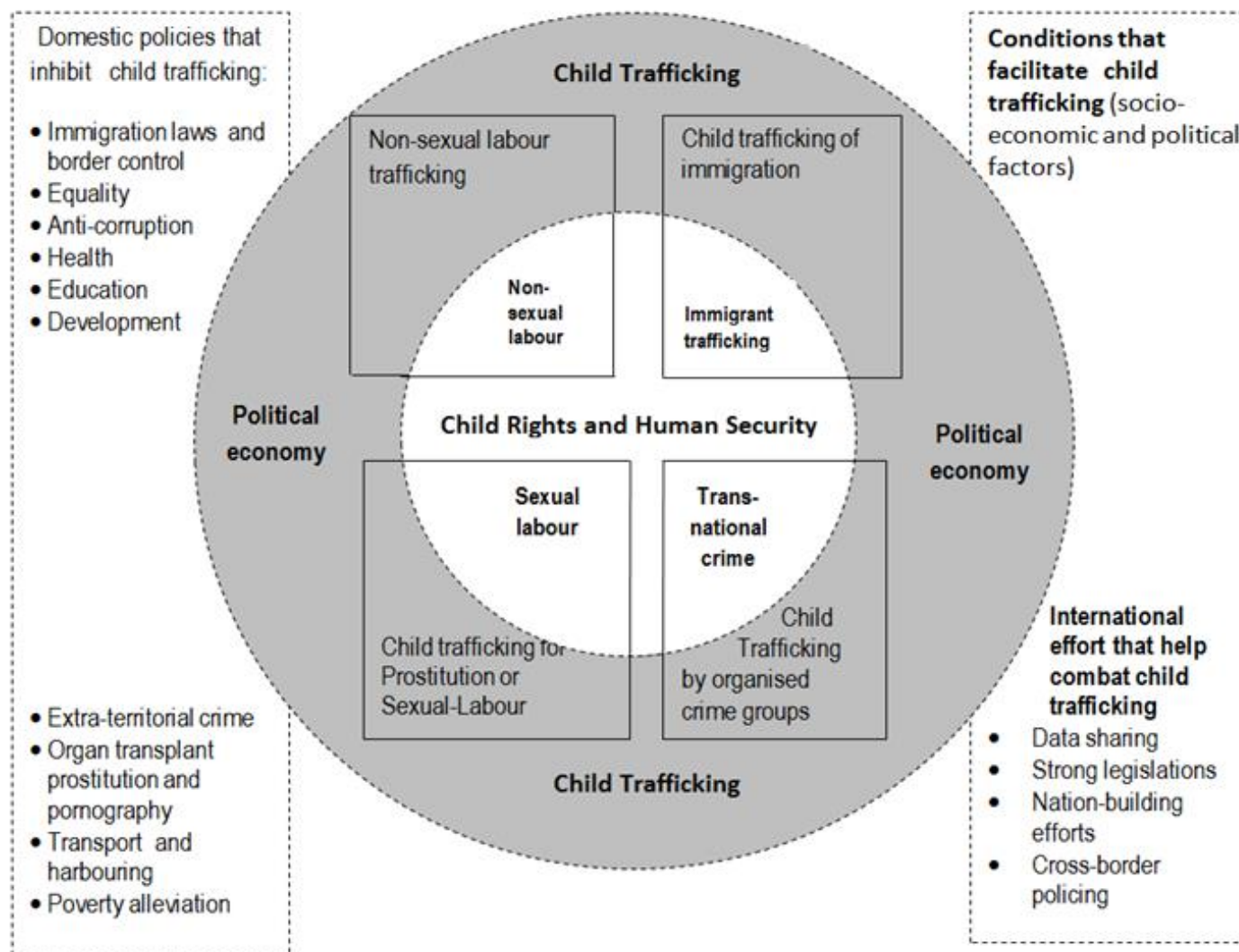
Having explored the rights-based approach, political economy and human security concepts in understanding the human trafficking discourse, the section which follows will attempt to weave all the three perspectives: the rights-based, the political economy and human security approaches in order to deepen the understanding of the human trafficking discourse.

### **Towards a theoretical child trafficking policy framework**

After critically analysing the varied literature on a rights-based approach, political economy and human security, I have found that the concepts of human security, political economy and human rights when applied to the human trafficking discourse are mutually reinforcing. This is because counter-trafficking policies need to be placed in a new and more inclusive theoretical framework that reflects the complexity of the problem as discussed above and account for its related policy areas. As illustrated in the figure below, I propose an Open Circle of Child Trafficking adapted from Morehouse (2009: 94) theoretical concept of child trafficking as an alternative to typifying the problem as a sub-set of other policies. At the core of the Open Circle of Child Trafficking, human/child rights and human security intersect with migrant trafficking, non-sexual labour trafficking, sex trafficking and trafficking by transnational organised crime groups.

I will proceed to explain how the rights based approach and human security perspective interact, their application to broadening the debate on child trafficking and their possible limitations.

**Figure 4: The Open Circle of Child Trafficking**



Whereas human security is unthinkable without human rights, a secure socio-economic and political environment is a prerequisite for the enjoyment of human rights (Kaldor, 2007, Benedek, 2008, Tadjbakhsh and Chenoy, 2007b, Howard-Hassmann, 2012). The interrelation and interdependence between human security and human rights is based on the common focus which both of them place on the individual – the bearer of human rights – which is at the core the core of their targets. The socio-economic and political security of the individuals, one of the core aspects of human security outlined in the UNDP Development Report, includes the freedoms to exercise basic human rights. Any condition which denies the potential of human development (including socio-economic and political deprivation) violates human rights and triggers human insecurity. Besides, international and regional legal norms refer to security as a human right. In principle, therefore, human rights are rights which all human beings are entitled to by the virtue of being biologically human: human rights are not tied to any specific social status, context or group of people. Because human rights are inherent rights, they do not have to be earned (Goucha and Crowley, 2009). Human rights also lie at the core of human security and help in providing a nuanced conceptual and normative foundation for human security and in ensuring that its operational concepts are deeply rooted in international law (Benedek et al., 2002). Because human rights violations are a threat to human security, respect for human rights, therefore, enhances human security.

Human security also has the potential of broadening human rights as it extends towards covering threats which human rights are not concerned with and threats from actors which are not sufficiently covered under the international human rights law. It includes the divisions between the first generation rights – civil and political rights – and second generation rights – economic, social and cultural rights. There are a number of human rights instruments at the international and regional levels which include the Universal Declaration of Human Rights, 1948<sup>69</sup>, the United Nations Convention on Civil and Political Rights, The American Convention on Human Rights, 1969<sup>70</sup>, the European Convention on Human Rights, 1950<sup>71</sup>, the African Charter on Human and Peoples' Rights, and the African Charter on the Rights and Welfare of the Child<sup>72</sup>.

Although human security and human rights interactions are mutually reinforcing, the relationship between them is not straight forward. Commentators warn against making assumptions that the human security framework compliments rather than competes with the international law on human rights cited above (Howard-Hassmann, 2012, Kaldor, 2007, Khong, 2001). The principles of international human rights emphasise the role of the individuals in claiming their human rights from the State as the

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<sup>69</sup> Full articles of the UDHR are available at: <http://www.un.org/en/documents/udhr/>.

<sup>70</sup> See OAS Treaty Series, No. 36 available from: <http://www.oas.org/juridico/english/Sigs/b-32.html> (Accessed, 10 June 2014).

<sup>71</sup> For more information on the Convention for the Protection of Human Rights and Fundamental Freedoms, see European Treaty Series (ETS), no.: 005. Available from the complete list of the treaties link: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=EN> (Accessed, 11 May 2014).

<sup>72</sup> The African Commission on Human and Peoples' Rights Examination of State Reports, 14th Session, December 1993: Ghana, Available from: <http://www1.umn.edu/humanrts/achpr/sess14-complete.htm> (Accessed, 21 June 2014).

duty bearer but it is the State which has the primary obligations to respect, protect and fulfil the human rights of all its citizens. The State also has a duty to convert human rights obligations into domestic policy documents and decide which aspects of human security it should focus on. Nevertheless, the respect for protection and fulfilment of human rights do not constitute policy choices. This means that the State may not have the choice over which rights and whose rights it has to protect or when the rights of an individual should be protected. Whereas States signatories of human rights treaties can prioritise one rights or set of rights over the other when fulfilling policy objectives, the international human rights law does not permit them to use real or perceived threats in choosing which rights to protect domestically.

Unlike in the human security framework where individuals have no legal base, a rights-based approach empowers individual citizens with the legal rights to demand that their rights are protected and enforced by the State. Furthermore, a rights-based approach has systems for monitoring, reporting and making appeals related to human rights violations at national, regional and international levels<sup>73</sup> especially when States seem unable or unwilling to enforce adequate protection of such rights at home. In comparative terms, however, the individual has a stronger standing in international human rights law than within the human security discourse.

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<sup>73</sup> These fora include the United Nations Human Rights Committee, UN Convention on the Rights of the Child, the African Charter on the Right and Welfare of the Child, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention on Human Rights and State laws.



The strengths of human rights discourse over the human security framework explored above are applicable to the discourse of human trafficking. In regard to counteracting the problem of human trafficking, the human rights legal regime underpinning a strong international civil society movement that penetrated the globe in the past few decades is a standard upon which citizens can rely on to be critical of not only their governments but also non-state actors for their inaction or complicity in the human trafficking chain (Howard-Hassmann, 2012). Even when the human rights obligations of State, non-state and supra-state actors are not yet strongly enshrined in the law, the normative power of human rights thus becomes compelling. As Oberleitner (2005) observes, the human rights framework provides a benchmark for human security despite the fact that the concepts are distinct: the former (human rights) has a legally binding character as opposed to the political nature of the latter (human security). As human security concerns get increasingly translated into legal obligations through international norms, human rights also plays a significant role in getting human security needs translated into legal obligations.

The analyses presented in the preceding section on how human security, political economy and human rights are interrelated, mutually reinforcing and interdependent have demonstrated that the concepts can potentially contribute to furthering the debate on human trafficking and counter-trafficking intervention. Whereas a rights-based approach to counter-trafficking is victim-centred, a human security perspective focuses on

critical debates pertaining to core issues that undermine citizens' 'freedoms from want' and 'freedom from fear': these are core issues which influence people's vulnerability to trafficking.

## **Conclusion**

Human trafficking is a phenomenon which reveals the worst side of human condition: it gravely violates the dignity and universal human rights of those affected. The chapter notes that although the current understanding of the problem of human trafficking evolved over a long period, the ensuing debate has still failed to provide a uniform and acceptable conceptualisation of and solution to the problem. The variations in framing the problem of human trafficking reflected in various counter-trafficking legal norms and responses also reflect ideological and conceptual tensions among global actors and institutions and also suggest how complex and multifaceted the political economy of human trafficking has become.

The purpose of this chapter was to demonstrate that the lack of uniform understanding of the discourse of human trafficking results into controversies and inconsistencies in conceptualising the problem. Consequently, the different conceptual approaches to human trafficking lead to various policy responses. Since the inception of the international Agreements on human trafficking, numerous competing and shifting understandings of what constitutes human trafficking evolved. Human trafficking phenomenon was initially conceptualised as slavery and slave-

like practices of early times. When the human trafficking discourse gained international recognition, the understanding gradually widened from trafficking for sexual exploitation to other forms of exploitation. In 2000, when the international community adopted the Trafficking Protocol, it was hailed as the most significant anti-trafficking legislation that provides a broader perspective of human trafficking and for guiding States actions. However, the Protocol faced several criticisms including for putting women and children into one category. Its Western-centric understanding of 'child' and 'childhood' as those under the age of 18 years is viewed as limiting especially in contexts where determination of childhood is based on cultural and social factors, especially in non-Western societies.

The chapter also discusses the application of rights-based, political economy and human security frameworks to human trafficking and notes that trafficking is both a violation of human rights and a threat to an individual's security. The key argument presented throughout the chapter is that controversies in the human trafficking paradigm have continued to influence the understanding of the subject and as a result, counter-trafficking policy responses are selective and reactive. Some of the controversies emerging from the literature pertain to the concepts of deception and consent, a blurred distinction between trafficking, migration and smuggling, how trafficking in persons often relates to sexual exploitation, human trafficking and organised crime are interrelated, and how human trafficking can be better understood as a rights-based, political economy and human security perspectives. The shortcomings of

each of the theoretical frameworks discussed in the chapter notwithstanding, a rights-based approach provides a compelling normative framework that weaves through the other two approaches. It is also applicable to States without relevant national counter-trafficking legislations. As will be discussed in the subsequent chapters, counter-trafficking momentum needs to be upheld and intensified in order to reduced or eradicate the heinous human rights violations inherent in the human trafficking phenomenon especially in a State in transition from war to peace. The next chapter explores child vulnerability and anti-trafficking governance in South Sudan.

**PART III: CHILD VULNERABILITY AND ANTI-TRAFFICKING  
GOVERNANCE IN SOUTH SUDAN**

## **CHAPTER 3**

### **CASE STUDY: SOUTH SUDAN**

#### **Introduction**

This chapter focuses mainly on South Sudan's political economy and provides a historical account of how the culture of exploitation contributes to the production and reproduction of child trafficking in the country. The analyses encompass how the legacies of salient historical processes and trends structured asymmetrical power relationships between various identity groups, racialised post-colonial state and its oppressed groups, and how they produced contestations culminating into civil wars constructed along the dichotomised Sudanese identities.

After examining how the interactions between foreign and indigenous African cultures produced the crises of national identity and how attempts to construct Sudanese identity resulted into contestations, the chapter proceeds to examine, within the context of multiple Sudanese identities, how inter-ethnic identity exploitations are produced and reproduced in the Sudan. This is followed by exploring how identities became politicised leading to the binary division of exclusion-inclusion, domination-marginalisation and centre-periphery at the core of politics in Sudan and South Sudan.

The chapter then proceeds to discuss the political economy of the North-South civil war, the key milestones in the conflict cycle, and the

implications of the war on human security and rights of vulnerable citizens especially children. The main argument presented in the chapter is that a combination of two main factors – *contingency* (historical factors) and *choices* (policies and political decisions) of post-independent leadership – influence and reproduce human insecurity, a cycle human rights violation, and exploitation of South Sudanese. The nature of exploitation in the country reminiscences human slavery which has evolved from an overt practice of raids and abduction during the civil war to the covert process of contemporary abduction and trafficking of children in post-independent South Sudan.

### **An overview of South Sudan: Political, social and demographic characteristics**

On 9 July 2011 South Sudan became the world's newest independent State. The 'geographical expression' described as South Sudan is a geo-political and social construction of ten states<sup>74</sup> that occupy a land size of 644,329 square kilometres (SSCCSE, 2010), roughly the size of France, and inhabited by 8.3 million<sup>75</sup> people. South Sudan is bordered by Sudan to the north, Ethiopia to the east, Kenya, Uganda, and the Democratic Republic of the Congo (DRC) to the south and Central African Republic (CAR) to the west. The map below shows current political boundaries of the ten states comprising South Sudan.

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<sup>74</sup> The ten states that comprise South Sudan are Western Equatoria, Central Equatoria, Eastern Equatoria, Jonglei, Upper Nile, Western Upper Nile, Lakes, Warrap, Northern Bhar el Ghazal and Western Bhar el Ghazal.

<sup>75</sup> World Bank (2013) South Sudan Overview: Economic Overview, available from: <http://www.worldbank.org/en/country/southsudan/overview> (Accessed, 11 May 2014).

**Map 1: The political map of South Sudan**



Source: Southern Sudan Centre for Census, Statistics and Evaluation database, 2008.

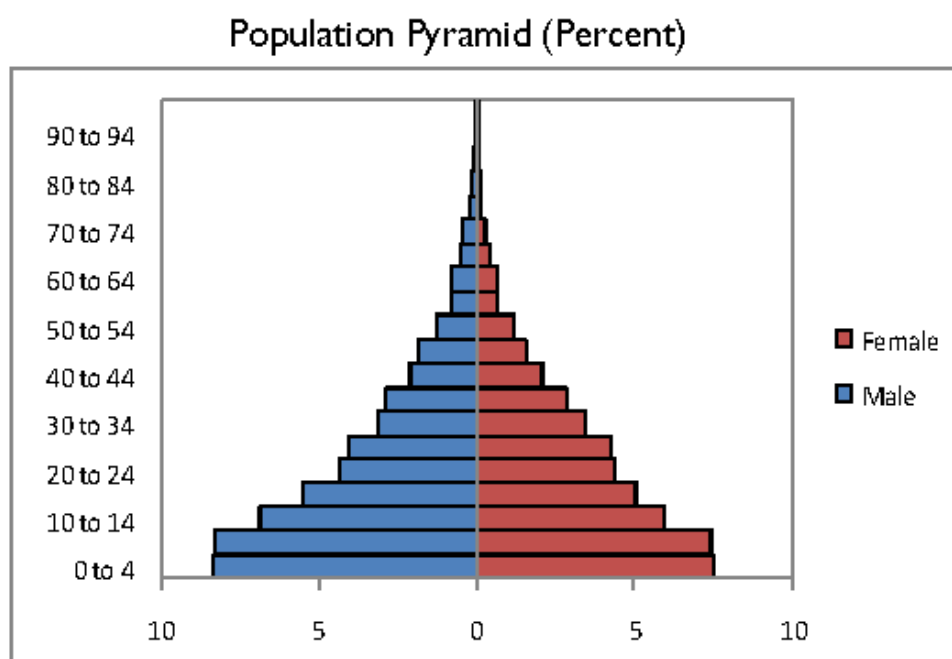
South Sudan's population is very young, with those under the age of five years constituting 16% of the total population, 32% are under the age of ten, 51% under the age of 18 years and 72% under that age of 30.3 years<sup>76</sup> (see figure below).

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<sup>76</sup> Supra.



**Figure 5: South Sudan population pyramid, 2008**



Source: Southern Sudan Centre for Census, Statistics and Evaluation database, 2008.

The scale on the vertical axis of the figure above shows the age brackets of the population with each class size consisting of five years and the horizontal scale shows the population in millions.

The fact that the population pyramid is wide at the base and narrow at the apex is worrying; it indicates that the population of young people (dependents) is very high. According to the South Sudan Household Survey, the life expectancy of South Sudanese is 42 years<sup>77</sup>. The life expectancy is low partly because South Sudan is one of the poorest

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<sup>77</sup> South Sudan Household Health Survey (2010) cited in UNOCHA's South Sudan Statistics: January 2014. Available from: [https://docs.unocha.org/sites/dms/SouthSudan/South\\_Sudan\\_Media\\_Briefing\\_Pack/South%20Sudan%20humanitarian%20and%20development%20statistics%20-%20December%202013.pdf](https://docs.unocha.org/sites/dms/SouthSudan/South_Sudan_Media_Briefing_Pack/South%20Sudan%20humanitarian%20and%20development%20statistics%20-%20December%202013.pdf) (Accessed, 22 June 2014).

nations in the world with at least ninety percent of its citizens living in poverty; fifty-one percent of the people living below poverty line are based in rural areas (WFP 2010, SSCCSE 2010). Yet it is the majority of the people living in the rural areas who contribute to one-third of South Sudan's Gross Domestic Product (GDP).

### **South Sudan: A brief political history**

South Sudan's political history is inseparable from that of the Sudan – whose term originates from *Bilad al Sudan*<sup>78</sup> or the Land of the Blacks. Sudan, one of the territories under the Anglo-Egyptian Condominium rule between 1898 and 1956, describes the belt of dry savannah and semi-desert areas stretching across Africa from east to west (Omer Beshir, 1968a:1). Its inhabitants were mainly two distinct groups of peoples making up the two different halves – the north and south. Two factors were responsible for the north-south dichotomy. The first factor was the existence of two physical types of people and parallel administrative policies set up during the Anglo-Egyptian administration. The second issue pertained to the geographical differences in the physical landscape and climatic conditions. The north experiences hyper arid and desert climatic conditions while the south enjoys equatorial climate with high humidity and plenty of rainfall. The Nile River – the longest river in Africa – has shaped relations among the various peoples in Sudan and other

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<sup>78</sup> The Arab geographers used to describe the lands to the south of Africa's Sahara desert as *Bilad al Sudan*.

nations through which it flows. The Nile provides strategic links from the South Sudan hinterland to the Mediterranean Sea.

The majority of the people in the north of the country (now Sudan) may be described as Arabs and Moslem with the exception of the Nubians and the Fur who are predominantly of Negroid origin. The South Sudanese, however, are mainly African Christians and animists. The dominant ethnic composition of South Sudan consists of the *Nilotic* (the Dinka, Nuer and the Luo), the *Nilo-Hamitic* (Bari, Lotuko, Lokoya, and Dongotono on the east bank of the Nile River and the Mundari, Kuku Kakwa, Pojulu, and Nyangwara on the west) and *Western Sudanic* (the Azande people). The Nilotes are mainly nomads, the Nilo-Hamites are both cattle keepers and cultivators and the Azande are exclusively cultivators.

From the ethnic composition of the peoples of Sudan described above, there is no simple, clear-cut dichotomy in which these peoples can be categorically identified. Unfortunately, 'conventional' binary terms have been used to describe events and the peoples in the country: the descriptions include 'Africans – Arabs', 'Muslims – Christians', 'modern–traditional' and 'north – south'. These rigid classifications fail to unravel the complex issues embedded in Sudan. Unless historical myths, shifting construction of identities of the peoples of Sudan are critically examined, understanding the complexity of the Sudanese modern politics will still be difficult (Ruth and Khadiagala, 2006:17).

But South Sudan's geo-political and social construction is a reflection of a diversity and complexity of the sub-region, comprising of ten states which emerged as a distinct political and socio-economic entity and a territorial sub-system. The diversity of South Sudan is also reflected in its political history, socio-cultural divide and ethno-linguistic differences. Sudan's colonial divide and diversity often played out in the intra-regional and international arenas. South Sudan is a new nation without a history of formal governance institutions that its society accepts as legitimate. Efforts to build and consolidate its formal institutions from scratch are a recent development which followed the termination of the civil wars in 2005 and its acclaimed independence six years later.

Because South Sudan is poor and undeveloped with its GDP per capita estimated at US \$1,556 in 2011<sup>79</sup>, 92% of its GDP of South Sudan is heavily reliant on a few oil enclaves – making it one of the most oil dependent economies in the world<sup>80</sup>. Colonialism left a legacy of external dependence, mainly on extractive-based economy which relies on the exploitation of strategic natural resources – mainly oil and agriculture. Even though South Sudan has vast oil reserves, it has not been able to convert its strategic natural resource endowment into viable economic growth and development.

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<sup>79</sup> South Sudan GDP estimate (National Bureau of Statistics August 2011) available at: [https://docs.unocha.org/sites/dms/SouthSudan/South\\_Sudan\\_Media\\_Briefing\\_Pack/South%20Sudan%20humanitarian%20and%20development%20statistics%20-%20December%202013.pdf](https://docs.unocha.org/sites/dms/SouthSudan/South_Sudan_Media_Briefing_Pack/South%20Sudan%20humanitarian%20and%20development%20statistics%20-%20December%202013.pdf) (Accessed 9 July 2012).

<sup>80</sup> Supra.

Until recently, South Sudan and Sudan were a single polity and geopolitically and strategically located with its borderlines at the Red Sea and the Mediterranean Sea further north, and between East and Central Africa to the south. Sudan incorporated Afro-Arab culture and multi-ethnic identities with deep historical and symbolic importance that influences contemporary affairs of the modern states. Prior to the creation of British-ruled state in the Sudan, there were several kingdoms and tribal groups with their own systems of governance (Woodward, 1990:13). But towards the nineteenth century, the British and Egyptians established the Condominium Rule in Sudan.

There were asymmetrical relationships based historical development between the north and south. This led the British to introduce the Southern Policy to address the disharmonious relationship between the peoples of Sudan, and to exclude Arabs from administration, commerce and settlement in the south. The British wrongly assumed that the Southern Policy embodied the best interest of the southerners and presented no threat to the interests of the northerners. Beshir opines that the Southern Policy even divided the Sudanese peoples further (Beshir, 1968: 115).

Opinions are divided over the British's Southern Policy and its ramifications on the relationship among the peoples of Sudan. Critics argue that the British colonial policies of "Divide and Rule" and "Indirect Rule" in Sudan, reinforced the uneven socio-economic and political development that existed between the south and the north (Albino, 1970,

Omer Beshir, 1968a, Daly and Sikainga, 1993, Jok, 2001a, lyob and Khadiagala, 2006). From a northerner's viewpoint, the Southern Policy was designed to deprive them of numerous lucrative businesses and proselytization opportunities in the region that their southern counterparts monopolised. Obeid (1980), citing Muddathir, suggests the northern elites perceived the Southern Policy as:

Aimed at the elimination by administrative means, of all traces of Muslim/Arabic culture in the South and the substitution of tribal customs, Christianity and the English language with the ultimate objective of giving the southern provinces a character and outlook different from that of the country as a whole (Obeid, 1980: 68).

Muddathir's view seemed far-fetched as the Southern Policy did not substitute any tribal custom by another. In its broadest sense, though, the Southern Policy was intended to deliver a new outlook to the south rather than a narrow recognition of a peculiar African character. Viewed critically, Muddathir's position seems to reinforce the pervasive racial hatred, suspicion and intolerance between various religious and cultural entities, more specifically between the Arabized and non-Arabized Africans. The mosaic polarisation between the various identity groups in the Sudan, imposed at the time of slave trade, was entrenched as a norm to describe the peoples in the periphery. It explains why the Arabs and non-Arabic peoples used colloquial and derogative terms to describe each other: the Arabs would describe non-Arabic people of South Sudan as *abeed*

(slaves) and the southerners described them as *mundukuru* (untrustworthy people).

Jok deconstructs the meaning of term *abeed* and how it has been used in Sudanese society. He observes that the term *abeed*,

Refer(s) to a person of certain low social class. It is also used to describe the obscene, a person lacking in moral stature, and even the physical appearance of a filthy person. Over time this term has become associated with poverty and only with certain groups within Sudan (Jok, 2001b:9).

Principally, the northern Arabs hurled the word *abeed* against the displaced southerners mainly of Dinka origin but its use widened to refer to describe other displaced persons living in the north originally from the Nuba Mountains whose daily survival revolved around performing menial and demeaning jobs. The low socio-economic statuses of the southerners made the term slave labelled against them stick for a long time. It is within the ideology of '*abeedism*' that human exploitation was produced, reproduced and embedded within the Sudanese society. As Mahmud and Baldo (1987) and Jok (2001) assert, it was significantly revived during the north-south civil wars.

In spite of the shortcomings of the Southern Policy, it constructed artificial barriers that insulated South Sudan against the sophisticated outside world. It was also consistent with the colonial policy of "Indirect Rule" that justified the exclusion of non-indigenous peoples from administering the

different peoples in the area while encouraging the participation of the locals in self-governance. Besides, the Southern Policy ended the slavery of South Sudanese, guaranteed the training and recruitment of the South Sudanese in administering their affairs and eliminated intra and inter-ethnic conflicts (Henderson, 1965: 197).

Nonetheless, the Southern Policy did not prevent the Arab merchants from monopolising trade in the region. The Arabs had comparative advantage over the Southerners because of easy access to the sea port, Port Sudan. The northern officials also continued to dominate the civil service jobs in the south as the British did not have adequate high skilled labour force and lower-level support staff from the region. In practice, therefore, northerners were not excluded from the south. In 1946, the Sudan Administrative Conference abolished the Southern Policy arguing that the future and welfare of Sudan was dependant on the unity of the Sudanese (Beshir, 1968:65). But the British opposed the recommendation for the unity of Sudan on two grounds; they argued that the southerners were not consulted and that unity was not politically and economically attractive for the south. Instead of unity, the British proposed either federalism or regionalism for the entire Sudan; but these were also rejected by Khartoum (Daly and Sikainga, 1993:8).

As Sudan prepared for independence, the north and the south agreed in principle to put in place mechanisms that would support the southern region's requisite socio-economic development. But hopes for putting the development 'safeguards' slowly withered away as no efforts were put in



place to prepare the South for the country's self-rule, and the time to implement the development programmes had run out (Daly and Sikainga, 1993). At the dawn of Sudanese independence, however, the Southerners were less technically prepared for national leadership. The British and tribal chiefs acted as their spokespersons as they did not have any organised political parties and any sense of national consciousness that could unite all the peoples of the South with the spirit of nationhood (Albino, 1970:77, Omer Beshir, 1968b:70, O'Neill and O'Brian, 1988:25).

Moreover, the peoples of the south maintained strong loyalties and affiliation to their ethnic identities and tribal groupings and less as a collective of southerners. The long history of depravity meant that the south was also less educationally and economically empowered and, therefore, backward. The backwardness of the south did not necessarily imply that all regions of the north were comparatively more advanced, sophisticated, educationally advantaged or economically empowered. The three regions of Darfur, Kordofan and Eastern Sudan shared similar levels of depravity with the south. But unlike the south, their societies have been more homogenous and united due to historical, cultural and religious experiences.

The legacy of the Southern Policy is ripe in the contemporary politics of Sudan. Daly and Sikainga (1993) note that the politics of exclusion and inclusion, as espoused in the Southern Policy, have continued to be entrenched by post-independence political elite. The political history from the 1956 to 69 period was dominated by one central characteristic:

Political influence and authority rested with those social groupings which had benefitted from the distribution of resources under the Condominium ... those who framed government policy were not inclined to undertake radical reformation of the country's socio-economic structure. The two kinds of imbalance or inequality which had become prominent under the Condominium – differentiating both regions of the country and social groupings within – continued and, indeed, became more marked (Daly and Sikainga, 1993:13).

The exclusion of the southerners from political and administrative participation led to profound resentment from the region's elites and criticism of the government in Khartoum. The tensions did not help address the grievances of the Southerners and neither did it help the north to devolve power from the centre to the region. It also meant that the least advanced nature of the relatively fragile state structures were more bound to fail. Politicians turned against each other especially after the north rebutted the proposal for Sudanisation (Woodward, 1990:90). Attempts by the southerners to form political alliances with the government's opposition in the north to gain political capital against Khartoum also failed.

The failure of political integration significantly influenced the evolution of what became known in Sudan's political narratives as the "Southern Problem". The nature of policies pursued in the south essentially reflected the continuity of northern attitudes towards the region. The southerners'

persistent frustration with the Government of Sudan resulted in the Southern Problem acquiring a new dimension in 1955: the southern military mutinied. The dissatisfaction by different interest groups in the post-independent Sudan coupled with the steady decline in economic conditions and political stability gave way to subsequent military intervention in politics, which added yet another dimension to the country complex political context.

### **Political economy analysis**

This section aims to outline political and economic processes in Sudan and how it has resulted into tensions between the centre and the peripheries in the country. The analysis will shed more light on contemporary issues affecting the country. Sudan has barely been at peace since it attained independence in 1956. A separatist rebellion fought from the eve of the independence until 1972 caused thousands of deaths. South Sudan attained relative peace following on-off civil war with the North's secular leftist government and its forces that were largely sectarian and conservative. The slide into renewed all-out war with the South in 1983 and the slow spread of the conflicts into adjoining areas of the North in 1985 and eastern region of the country in 1995 preceded 'national reconciliation' between foes in the north. By 2003, the low-level intermitted conflict had exploded into full-blown war in Darfur, a few years to the landmark peace agreement that ended the North-South civil wars.

But why has Sudan experienced perpetual instability and protracted bloody provincial political instability? Does the persistent cycles of the wars signify a collapse of the state or it can be understood as a new political dispensation that feeds into the 'root' cause of Sudan's conflicts? I argue that the outbreak and continuation of the provincial wars result from the clash of identities and the persistent unsuccessful search for a cohesive single national identity. The socio-economic and political discontent that gave rise to and sustained the war is also a factor of economic exploitation and the centre-periphery inequality. The numerous conflicts are exacerbated by the struggles for scarce resources and the breakdown of governance in rural areas. Moreover, the conflicts are a result of intra-elite political competition at the centre and the struggle to consolidate the state. Finally, the conflicts are also a perpetuation of a culture of violence and criminality and individual agency.

The combination of some of the factors highlighted above gave rise to the development of political bargaining which explains why there have been series of protracted, cyclical political conflicts in the country. I also contend that the structure of political power in South Sudan is unchanged; it is a reminiscence of how the dominant northern political elite failed to consolidate the state at the centre of power. Consequently, the hopes for democracy in the country which the 2005 CPA raised have faded. Although the political actors have changed in South Sudan, the structure of politics remains unchanged as it was before – a factor that signals a real danger of perpetual, intensified political turbulence in the country.

The political history of Sudan reveals that the struggles for independence was a result of a complex interplay of rivalry between Sudanese nationalism and Anglo-Egyptian rule which seemed to have appeared quite quick on the political scene. The independence debate was reduced to whether it needed British and Mahdist superiority or Sudan was to be united with the Egypt. The Sudanese intelligentsia could not adequately address this question due to their unresolved internal structural weaknesses and the lack of support from non-Arabs from other regions of Sudan. This made the 1956 Sudan independence an anti-climax to the southerners in several ways. The structure of the Sudanese state, its organic laws and institutions and basic division of power remained intact, as they were before independence (Daly and Sikainga, 1993:12-13). The southerners were continuously isolated from full political participation in national affairs of the country after independence partly due to the influence of other interest groups who opposed the spirit of nationalism. Marginalisation of the periphery by the centre also created friction not only within the country but also between the politicians in Khartoum and the main foreign players in Sudan's politics, the British and the Egyptians, which had significant control over the south (European Coalition on Oil in Sudan, 2006). Also, it was apparent that the northern politicians were not in favour of unity and national integration.

Following from the discussion above, entrenched bad relations between the north and south regions of Sudan predating colonialism greatly impacted on the domestic politics of exclusion prior to and after

independence. The southern region's persistent resistance to the *Islamisation* and *Arabisation* programmes that Khartoum viewed were in the best interest of the entire Sudan, also contributed to the sour political relationship between the two regions. But the Sudanese *Islamisation* and *Arabisation* programmes raise fundamental questions: What do these programmes entail? Why were the northern Sudanese interested in Islamising and Arabising southern Sudan? And, what are the implication of the attempts to Islamise and Arabize South Sudan to both the northern Arabs, the executors of the programme, and the non-Arabs/Africans in the South, who were targeted?

The Sudanese *Islamisation* and *Arabisation* programmes were premised on the government of Khartoum's belief that the future of the South lay in a united Sudan. The perception that Sudan needed a single ethnic identity and language was reaffirmed in the 1947 Juba conference that brought together both the British and the Sudanese. It is unclear whether the concept of *Arabisation* in the Sudan context is closely linked to *Islamisation*, the spread of Islamic religion, and the creation and consolidation of Muslim empires (Hasan, 1967, MacMichael, 1922, Miller, 2006). Although the two terms are dissimilar, a distinct and emotive connection exists between Arabic, the language of the Quran, and the Islamic religion. *Arabisation* is strongly linked to Arab nationalism – an Arab identity with roots in the Middle East.

Hasan (1967), a Sudanese historian and commentator, observes that there is no clear distinction between *Arabisation* and *Islamisation* in the

Sudan context as they were simultaneously introduced into the country (Hasan, 1967). Departing from Hasan's view-point, Miller (2003) suggests that the simultaneity argument is simplistic since *Islamisation* and *Arabisation* are mutually exclusive of each other. Sudan Arabic, a 'hybrid' of Arabic language that evolved after years of cultural interactions of the Arab immigrants and the indigenous Sudanic peoples (MacMichael, 1922), is widely spoken in South Sudan and is a product of the region's Arabisation and not necessarily Islamisation. Mystery continues to surround how Arabicisation of central Sudan was initially accomplished (Hasan, 1967:135, Miller, 2006, MacMichael, 1922) without recourse to military campaigns as it was the case in the South<sup>81</sup>. Miller cautions that the absence of the use of military coercion in Arabisation and Islamisation programmes in the north should not be taken to imply that Sudan was free from organised sectarian persecution or military expedition (Miller, 2003:161). The complex modern multi-religious and multi-ethnic society in the Sudan also influenced numerous 'organising ideologies' (Ruth and Khadiagala, 2006:19) of *Arabisation* and *Islamisation* which shape its modern polity. The Arabs used *Islamisation* as a justification for the establishment of hegemony of *Arabism* which contrasted greatly with *Islamism* and *Sudanism*.

*Arabism* is an ideology of ethno-cultural superiority that manifested in the Sudan during the Ottoman's rule in 1821. *Islamism* provided Arabism with theological and economic backing for the continued subjugation of the

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<sup>81</sup> No much evidence exists in the academic literature indicating whether the Arabs used military campaigns in the spread of Islam in northern and central Sudan.

unbelievers. *Sudanism*, however, is that nationalistic and territorial ideology which critiques and rejects, as alien, the racialisation of Arabism and the sectarianism of Islamism. These organising ideologies are at the heart of the modern multicultural Sudanese state.

The ideology of Islamising and Arabising the rest of Sudan in the interest of national unity were far-fetched and paradoxical. Unity under a single cultural identity became the ideological benchmark for the northern elites for pursuing political independence. Yet, the northern political elite's unwillingness to fully integrate with others contradicted this ideology. But why were the northern political elites motivated to alienate other regions of Sudan during the pre-independence struggles in the first place? If the Islamisation and Arabisation programmes of the entire Sudan were successful, would they have brought about national unity in the Sudan as the northerners anticipated?

Scepticism about political integration in the Sudan arose due to several factors. First, South Sudanese were perceived as ignorant of the country's political context and complexity. Second, the northern political parties were preoccupied with pursuing their personal goals that obstructed them from national focus. The third factor relates to political alienation. This was quite evident in the pre-independence political negotiations in Cairo between the Sudanese political parties and the Egyptian government that led to the Anglo-Egyptian Agreement. Throughout the political dialogue, the south was neither represented in any of the political parties from the



north nor had their interests represented by those who participated in the negotiations.

As discussed above, structural challenges attributed to colonial design, Sudan's geopolitical position and deliberate choices of the political elites provided the north with more privileges for taking on national leadership than the less sophisticated Southerners whose main priorities were economic and social emancipation and not politics. The factors highlighted above are among other issues which made the political integration in the entire Sudan unattractive.

### **The Sudan North-South civil wars**

Sudan civil wars of 1955-1972 and 1983-2005 were predominantly fought between the Sudanese government, based in Khartoum comprising largely of Arabs and Muslims, and the Southern based Sudanese Peoples Liberation Movement/Army (SPLM/A), which are predominantly black Christians and animists. The onset of the first civil war occurred just before Sudan attained its first political independence in 1956 and lasted for the next fifteen years. Following protracted peace talks, the belligerents signed a peace pact enshrined in the Addis Ababa Agreement in 1972 leading to the cessation of hostilities for at least 11 years. International Crisis Group (ICG) states that the Agreement provided a framework for power-sharing, security arrangements and Southern Sudan political and economic autonomy within a unified Sudan (ICG, 2002b:11).

President Jaafar Nimeiri abrogated this agreement in 1983 and a second civil war resumed for the next 22 years. It is argued that the war was a product of religious and ethnic divisions, competition over natural resources and unresolved issue of self-determination for the South. It is estimated that between 1983 and 2005, up to 2.5 million Sudanese lost their lives and more than five million others were displaced (Lacina and Gleditsch, 2005:159). It was during the war that serious human rights abuses were committed; thousands of South Sudanese women and children were abducted and enslaved.

The north-south war and other conflicts waged in Darfur and eastern Sudan were part of a complex web of greater regional civil conflicts in the Sudan, Chad, Uganda and the Horn of Africa. The civil wars resulted in at least eight overlapping peace initiatives between 1972 and 2005<sup>82</sup> and 25 peace talks (ICG, 2003). Most of the peace talks were architectures of regional nations bordering Sudan that had strategic interests in the country. ICG argues that the conflicting parties in Sudan were direct victims of geopolitical interests of and manipulation by external actors as they advanced their political, military frontiers and agendas (ICG, 2002: 153-154).

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<sup>82</sup> These peace processes included the Addis Ababa talks (Ethiopia 1972), Koka Dam talks (Ethiopia 1986), Addis Ababa talks (Ethiopia and Egypt 1989), Abuja talks (Nigeria 1992-1993), regional peace talks (IGADD 1993-1994), the "Peace From Within" talks (1992-1997), the Egyptian and Libyan initiative (Egypt and Libya, 1999-2002), and the Sudan peace process (IGAD 1997-2005) see ICG (2002a) *God, Oil and Country; Changing the Logic of War in Sudan*. Brussels: International Crisis Group Africa. Available from: [http://www.crisisgroup.org/library/documents/report\\_archive/A400534\\_28012002.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400534_28012002.pdf) (Accessed: 18 June 2008).

Decades of international humanitarian intervention and peace negotiations preceded the official termination of the north-south civil war on 9 January 2005 with the signing of the Comprehensive Peace Agreement (CPA). Although the Sudanese People's Liberation Army/Movement (SPLA/M) was the sole southern signatory to the CPA, it was greeted with optimism in the entire Southern Sudan region. The CPA set three sequential milestones: a national census (conducted in 2008); holding of an internationally observed six-level general elections (accomplished in 2009); and, holding political referendum to determine the fate of South Sudan (held in 2011). There were other significant issues which were incorporated into the CPA framework: an interim period of six years (2005 - 2011); security, wealth-sharing and power-sharing arrangements; and, how to address the three contested border regions of Abyei, Southern Kordofan and the Blue Nile. The CPA was, however, was silent on critical issues pertaining to children's rights and security yet they suffered the highest casualties during the war as victims. The fate of many child victims of war (child soldiers and slaves) remained bleak and there was also no framework to address the causes of child insecurity in South Sudan. Despite its shortcomings the CPA model was significant not only in Sudan's modern history for bringing to an end one of Africa's longest running conflicts but it also became a cornerstone of the most successful mutually-agreed cessation in Africa's modern political history.

But what do we know about the issues that were behind the north-south civil wars? Why did the war take too long to resolve? Although Sudan's

diversity – multiple identities and vast natural resources – provided potentials for enhancing its post-colonial development, the diversity has been both a blessing and a curse to the country.

The Sudan's North-South civil wars have often been explained in terms of clash of identities, mainly between Arab, Islamic north versus African, Christian or animist south. Yet the conflict in Darfur fails to fit within the religious and identity characterisation not least by those involved in the war themselves; the conflict narrative centres on political force, a combination of both race religion, primordial and constructed identities, and attributed to identity in normative and descriptive terms. Whereas the dominant political elite at the centre tended to view the nation normatively as an unproblematic sovereign inheritance that others contest, intellectuals from the peripheries rather regards the construction of national identity as a work in progress and, to be precise, work that should be in progress which has not yet started.

Was Sudan normatively a single country or two before its split - or to be precise, should it have been a single country? Even for those who argue that Sudan was or should have been a single country, often make a case suggesting implicitly that it was two countries with each country enriching the other (de Waal, 2007a: 3). Since the history department at the University of Khartoum organised a conference, "Sudan in Africa" (Hasan, 1971) in 1967, the Khartoum intelligentsia viewed Sudan as an Arab country (mis)placed in Africa. Fearing to be too close to the conservative Islamism, Sudan secularist politicians adopted a popular political slogan

from the conference that views and situates the country as a “bridge” between Africa and Arab.

de Waal (2007a) notes that in explaining the war in Sudan there is sense in the argument in support for the ethnic, racial and religious narratives. Biological or physical appearance (such as skin colour) plays a significant role in the determining Sudanese social attitudes and racism and is deeply embedded among the northern elite culture (Abdel Salam, 2000). Many Sudanese feel the legacy of slavery and exploitation in their daily interaction; the Sudan government has on many occasions declared *jihad* against resistance from the south.

With the diversity in Sudanese identities, was there a chance that the country would have remained united? Were the Sudan North-South civil wars unavoidable? The proponents of this view (Lesch, 1999, Ruay, 1994) often argue that unity for Sudan was necessary (Deng, 1995a). The multiplicity and complexity of Sudanese identities and its nuanced understanding, as espoused by Deng, makes us to appreciate the plight of the Sudanese. Its history shows how extraordinarily violent the traders and merchants from Khartoum were towards the Southerners through master-slave relations. The South perceived the “Sudanisation” of public service in the post-colonial era as a mere change of guard from the British to the Northern desert-edge elite and a betrayal of the commitment to adopt federalism in the constitution that would guarantee South Sudan autonomy. Analysts note that the legacy of racial discrimination, and exploitation, suspicion and betrayal undermined Sudanese quest for

nationalism (Alier, 1990a, Jok, 2001b). As a consequence, Sudan had no unifying national symbol.

On 1 January 1956 when Sudan attained its independence, the Prime Minister, Ismail al Azhari, made three political promises – to the Egyptians, the nationalists and the Southerners – which his government never fulfilled: “Unity of the Nile Valley”, sovereign independence and federation respectively (de Waal, 2007a: 4).

MacMichael (1923) contends that the issue of identity in the Sudan has been handled differently by several of the Sudan’s governments since the colonial time. The British colonial masters exhibited causal racism, entrenched racial division and superiority and sought to protect the “backward” Southern tribes from the destabilising impact of racism through its restrictive Closed Districts policy. The British regularised tribal authority and ruled under the “Native Administration” as a cheap way of pacifying and administering Sudan’s diversity and to build counter-weight against threats from the northern political elite. The post independent political elite also adopted and unreflectively promoted values of Arabs and Islam. The only period when there was an attempt to adopt secular nationalism in Sudan was under President Jaafar Nimeiri after the end of the first civil war following the signing of the 1972 Addis Ababa agreement. In the 1990s, however, the Islamist government in Khartoum developed a “civilisation project” that was similar to the British policies. The policies, informed by religious and cultural identities, were aimed at promoting Arab-Islamic identity and a “return to the roots” policy which

sought legitimacy in traditional customs and tribal identities. Many non-Arabs interpreted the policy as a means of exploring the distinct “African” heritage. The SPLM/A that started war in the south in 1983 was also beginning to have an ideological shift from its earlier socialist transformation agenda which ignores and obliterates ethnic and religious identities to tactfully embrace traditional leadership systems and authority and Christianity into which many of the southerners had converted. The SPLA/M used this approach to provide them with a powerful back-up against possible Islamic militancy.

The narrative regarding the Sudanese identity along the North-South axis was also problematic. It obscured other axes of identities such as the North-East axis that dominated the conflict in Darfur with the tensions between the Fur *revanchism* and a pan-Arab solidarity being one of its many aspects. Besides, the Sudan’s identity problem has international embedding. It is a legacy of Egyptian colonialism (1821-1885) and the influence of foreign media especially the Egyptian’s (Troutt-Powell, 2003) and the National Islamic Front’s radicalisation of Islam was an artefact of international Arab-Islamic interactions with the Egyptian Muslim Brothers being most influential. The Arab supremacism, a Libyan project for pan-Arab solidarity across the Sahara, informed the racial civilisation project of the country by the Egyptian-leaning political elite. The influence of Libya provided the ideological underpinnings for the Janjaweed agenda in Darfur and Chad. In addition, the region influenced the ideology of Political Africanism which drew on John Garang’s pan-Africanist

ideological background and relations with Uganda president Museveni. As for Christianity in South Sudan, its rapid expansion resulted in the global link and the generosity of Christian charities and missionaries that availed financial resources.

Hoile (2005) argues that rivalry along tribal divides and dichotomies along Arab-African, Islam-non-Islam were responsible for various conflicts across Sudan and in exacerbating wars. The argument has been used to explain the North-South conflict, conflicts in Southern Sudan and in Darfur. Whereas the multiple identities in Sudan may not be responsible for causing the war in Sudan, the wars have themselves been responsible for forging polarised identities in the country. This interesting perspective has been the missing link in the literature on Sudan's conflict analyses. However, the irony is that the Islamic extremism and Christianity flourished simultaneously during the civil wars. Although Anthropological studies of war suggest that conflicts oftentimes create identity and not vice versa, the situation in Darfur provides an interesting variant to the principle as evidence suggests that institutions for post-conflict peacebuilding and reconciliation are the ones with the agency in cementing tribal identities. This is the case of inter-tribal (traditional) conflict resolution mechanisms through mediation where reconciliation is attained after collective payment of reparations. It is argued that this process of terminating a conflict defines it as a tribal affair in which individuals are compelled to primarily identify with their tribal identities.



Another perspective of explaining the civil wars in the Sudan is by examining how the politics of Sudan became militarised and the military politicised. The militarisation of politics challenged the legitimacy of the successive military leadership in Khartoum, a significant factor that plunged the country into long periods of political turmoil with several rebel groups rising against the Khartoum military regimes. Armed conflicts coupled with the already complex issues – cultural and religious difference, grievances between the north and the south, historical and colonial legacies – exacerbated tensions in the country and made unity unattractive.

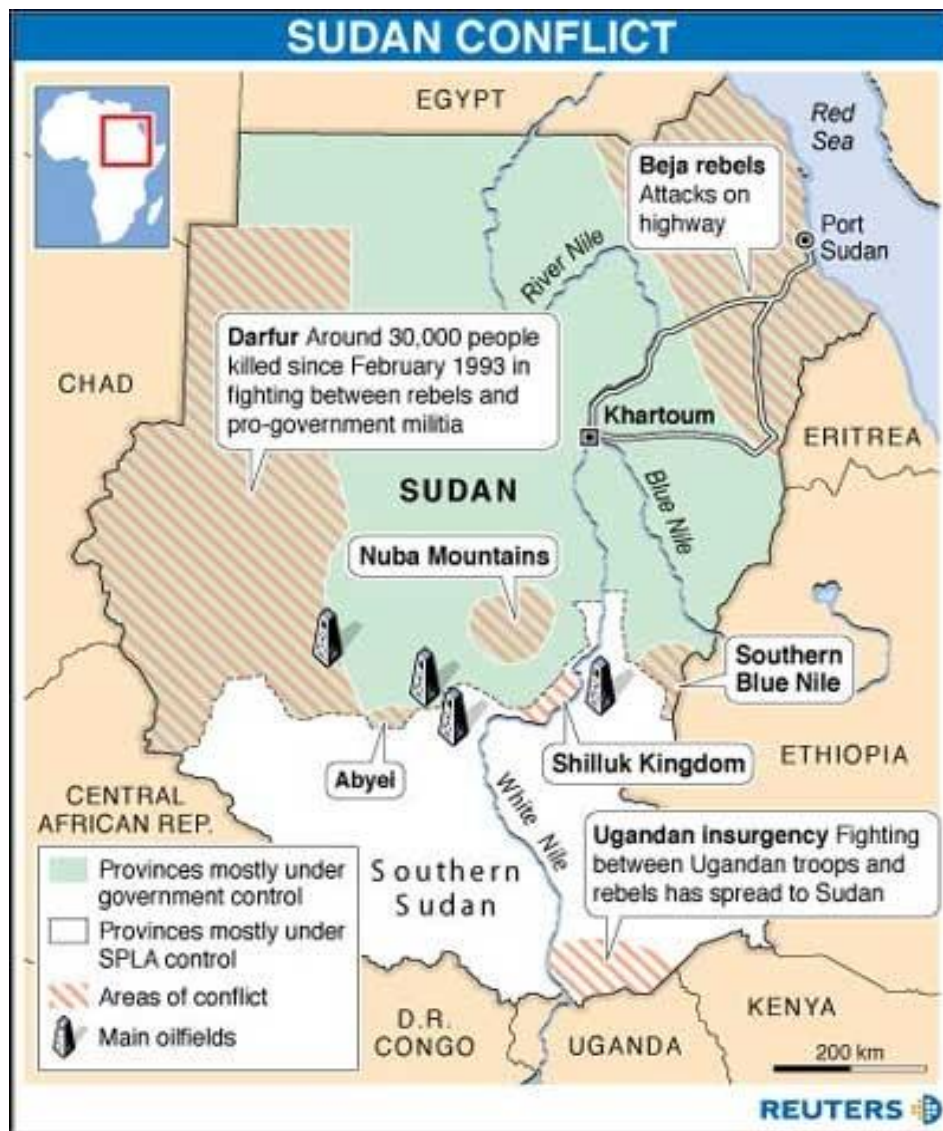
Beshir argues that the militarisation of Sudanese politics was due, in part, to the failure of the political parties to give the Sudanese people a government devoted to finding a lasting solution to the country's socio-economic and political problems (Omer Beshir, 1968b:80). The Sudan African Closed District National Union (SACDNU) – the political party exiled in the 1950s – feared the military, predominantly from the north, would block southerners from participating in national politics and that the institution would be used as political and religious tool for attaining national unity. Suspicions based on the peripheries' discontent with the Khartoum regime and coercive attempts to unite Sudan resulted into a military mutiny and full-scale war between the north and south. The southerners used the mutiny as a means of expressing collective grievances and resisting northern domination.

The *AnyaNya* mutiny became an alternative voice and means of addressing the Southern Problem as political alternatives had failed. At its inception, the group explained the Southerners' frustration with the Khartoum government that:

Our patience has now come to an end and we are convinced that only the use of force will bring a decision ... from today onwards we shall take action ... we do not want mercy and we are not prepared to give it (Omer Beshir, 1968b:80).

As the map below shows the civil wars fought for decades affected so many regions of Sudan. In the section which follows, I expanded on the possible factors which causes and sustained the North-South civil wars from structural, socio-economic and political perspectives.

**Map 2: Map of Sudan showing areas affected by armed conflicts**



Source: Reuters.

### **Structural causes: Identity and politics in Sudan**

In his book, *The Sudan, A Southern Viewpoint*, Albino argues that racial differences in the Sudan constitute the roots of the problem that beset the country since independence in 1956 (Albino, 1970:3-6). Albino premised his assertion on the variation in the country's ethnic composition,

distribution and racial tensions that dominated relations between the different ethnic groups in the country. But his assumption that multi-racialism, from a purely ethnic viewpoint, could cause mutual intolerance is ridiculous. Robert E. Park cited in O'Ballance points out that oftentimes politicians abuse "consciousness of individuals to differences between their racial groups" (O'Ballance, 1977). The subject of race is not, in itself, inherently problematic but it is an issue where members get treated as such, believe they belong to particular identity and also behave in a particular way. For those reasons Thompson believes that *race* and *relation* seem to be born together (Thompson, 1939). It is only when we take the analysis of identity politics into perspective that we can appreciate the tensions between the Africans of South Sudan origin and the Arabs from the North. For long, relations between various identity groups in Sudan have been unhealthy and hostile, to say the least.

Professor Evans-Prichard warns against the use of the term "Arab" in reference to racial character in the Sudan. Citing his assertion, Hamilton observes that the term Arab was used by anthropologists in historical sense to refer to immigrants from Saudi Arabia, their descendants and the indigenous folks who were Arabised (Hamilton, 1935:81). Numerically, non-African Arabs in Sudan are insignificant because the immigrants from Saudi Arabia fully integrated into the local community. In that regard no culture can be described as purely Arabic or Muslim. In contrast to the ethnic identity composition in the north, South Sudan cultures are more or less heterogeneous. In anthropological terms, they can be classified into

three main ethnic groupings based on history, language and physical types – the Nilotics, the Nilo-Hamitics and the Sudanic tribes.

Physical appearance is a significant attribute in constructing identity in Sudan. Even though the biological expression of race in Sudan is fluid, it determines people's social, cultural and political ways of life. Outsiders may perceive Sudan to be a nation consisting of black people but its inhabitants view their skin colours as the most important determining characteristics and classification of their races. The northern Sudanese view themselves as belonging to the Arab cultural identity while the Southerners, of mainly African origin, prefer to identify with their tribal identities. Social construction of race, as described above, affects inter-group relations. Dichotomising racial differences in terms of conceptual construction of racial superiority of one group over the other creates self-consciousness and the desire to struggle for self-preservation by either proving and defending one's cultural superiority over other cultures or by disapproving any form of repression (Jok, 2001b:7). In Sudan, racial ideology is central in the production and reproduction of inter-identity exploitation. Yet using racial ideology as the main motivation for inter-identity exploitation brings to the fore and reinforces inter-racial tensions.

Strained relations between ethnic Baggara (Arab nomads) and Dinka provide a telling example. The two ethnic communities have ideological and cultural differences based on race and religion yet they share a lot in common as cattle keepers (pastoral land and water for their animals). It is

argued that the government in Khartoum exacerbated the already strained Baggara-Dinka relationship by siding with Baggara.

How identity became a core issue dominating Sudanese politics is another matter. The vast size and location of Sudan means that it embraces immense dimensions of configurations and crises of identities. The geographical vastness of Sudan before its separation implies that it possessed monumental racial, ethnic, cultural and religious diversities (Deng, 1995b:12). Within these ethnic cleavages, marginalization and regional sentiments are encapsulated. It is further heightened by variations among regions in terms of both natural resource endowments and unequal development. Inequality in resource distribution provides a basis for disgruntled elite members to air their grudges and encourage identity consciousness (Assal, 2006). Because Sudan's North-South conflicts took several years to address, the initial causes withered away and new, abstract, ideological identities triggers emerged. As a result of the new conflict dynamics, disgruntled political elite intentionally invigorated, instrumentalised and manipulated various identities as a bargaining tool with the government in Khartoum.

The second strand of argument builds on the issue of political manipulation of identities. Although the dominant or ostracised groups can manipulate identity issues to articulate their exclusion or discontent, David Francis warns that not all forms of identity politics are exclusionary or can contribute to conflict (Francis, 2006). Whereas identity can be a discourse of power and grievance, it can also provide a peaceful means of inclusion

and empowerment and a basis for claiming rights and citizenship. This is not the case in Sudan as identity has been a key contributor to the various conflicts fought in the country. The most significant identifiers of identity in Sudan are religion, class, clan and sub-national region.

But there are several factors – such as the forces of globalisation, massive population movement, ethnic admixture or cultural assimilation – which can potentially blur uniqueness in ethnic identity terms. Yet these factors have not in any way been able to reconfigure identity issues in Sudan due to the fact that ethnic differences are established and entrenched in social and political organisations (A-Salam, 2008). Although primordialists argue that the characteristic of ethnicity is politicisation of ethnic groups for violence and that ethnic divisions provide a sufficient condition for triggering conflict or violence, instrumentalists perceive ethnic distinctions as usually stable until they are mobilized under certain circumstances (Mousseau, 2001).

Sudan's diversity – physically, culturally and ethnically – is a microcosm of Africa with vast triumphs, challenges and potentials in many aspects (Al-Rahim, 1970). Being 'African' and 'Arab' provides it with uniqueness among other African countries. Religion, a critical identity issue, is viewed as a central dividing factor between the northern and southern Sudanese during the civil wars. Although religious identity is an irrelevant issue to the Darfur conflict, the identities on both sides of the belligerents are based on biological expressions of colour and Arab-African labels. de Waal notes that the Darfur conflict narratives involve much political force

with a complex web of racial and religious, primitive and constructed identities, and “normative and descriptive ascriptions of identity” that are usually powerfully expressed (De Waal, 2007b).

Even where the identity factors are weak or perceived to be non-existent in Sudan, they have become root causes of ‘new’ conflicts. Conflict over access to natural resources such as land, oil and water are linked to the issues of ethnicity and religion. As highlighted earlier, the legacy of colonialism contributed to the unbalanced development and social injustices and influenced the marginalisation of the periphery by the centre. The longer the Sudanese civil wars persisted, the more ethno-religious and cultural narratives emerged as triggers of political cohesion and conscription in conflicts. Whereas the conflicts in Darfur<sup>83</sup> were mainly viewed in terms of environmental stress and struggles over scarce natural resources, it is mainly a legacy of deep-rooted animosity over deliberate ethnic marginalisation and manipulation by the government in Khartoum. The government of Sudan exploited the various ethnic identities and differences by pitting some ethnic group against others. It is alleged that it created the notorious Janjaweed<sup>84</sup> militia group, mostly from the Arabic-

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83 In the Darfur conflict alone, at least 300,000 lives were lost and over 2 million people internally displaced. See Sikainga, A. (2009a) 'The World's Worst Humanitarian Crisis': Understanding the Darfur Conflict. *Origins: Current Events in Historical Perspective*. Available from: <http://origins.osu.edu/article/worlds-worst-humanitarian-crisis-understanding-darfur-conflict> (Accessed, 6 May 2010).

84 In western Sudanese context, Janjaweed refers to rabble or outlaws. For international actors the term is understood to refer to ‘government supported and/or controlled militias’, a definition that was formalized in the Report of the International Commission of Inquiry on Darfur in 2005, which ‘established that the Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law’ (International Commission of Inquiry on Darfur, 2005, p. 3) Kahn, C. (2008) Conflict, Arms, and Militarization: The Dynamics of Darfur’s IDP Camps. *HSBA Working Paper 15*.



speaking communities for pursuing widespread violent military campaigns against non-Arab communities. In the Darfur conflict alone, at least 300,000 lives were lost and over 2 million people internally displaced (Sikainga, 2009b).

### **Political causes: Domination and marginalization**

In 1971 President Nimeiri ended the “Native Administration” system, replaced it with regional and area councils and controlled access to state structures and resources in an attempt to retain absolute power of state power and wade off any form of resistance. As a result, there was a power vacuum, political powerlessness of the traditional authorities and militarisation of ethnic groups in Sudan to protest Nimeiri rule (Jooma, 2006:3-4). Like Nimeiri, the post-independent political elite embarked on self-preservation through incorporating national policies whose implementation severely negated Sudanese expectations. The federal system of governance which the military government established under a single party rule and was dominated by security organs failed to deliver the much anticipated autonomy of the regions and states. Islamisation and Arabisation policies instituted by the Khartoum governments amidst dissent (over socio-economic and political marginalisation) also triggered animosity and armed rebellions. Yet the ruling elites invoked the *sharia* (State and Islamic laws) as the legal tool for exerting power, authority and domination. As a result, the post-independent political elites’ policies

became the epicentre of political disagreements with far-reaching socio-economic and political repercussions.

I argue that the *choices* (set of policies) adopted by the post-independent political elites that favoured wealth creation, concentration and consolidation at the centre (mainly in the northern and central regions of Sudan) signified unequal wealth-sharing, perpetrated marginalization of the peripheral regions and served as a means for self-preservation of the dominant political elite. The policies that entrench marginalization and exploitation in the country have links with colonial policies under Anglo-Egyptian and the Condominium rule. The British also favoured the Sudanese elites many of whom were graduates of Khartoum Graduate College (Ylönen, 2005). Implied in the power game between the British and the political elite is that fact that its project of “Sudanisation” would naturally benefit a clique of northern elites who were adequately prepared to succeed the colonial officials at independence. The fact that only six out of 800 administrative posts *sudanised* by 1954 went to individuals from the traditionally marginalized region of South Sudan was not a surprising development at all (Johnson, 2003b). The well prepared, highly educated riverine political elites who controlled the national economic powers assumed national political leadership at independence and continued with the policies of marginalisation of the periphery. Although the northern region was the minority group consisting of at least 5 per cent of the entire population of Sudan, they exerted firm grip on political and economic powers, including in the public service sector. For instance,

from 1956 to 2000 between 60 per cent and 89 per cent of the total number of ministerial appointees were accorded to the northern elite.

### **War and slavery in Sudan**

As explored above, the culture of exploitation in Sudan has historical linkages with regional inequality and vulnerability of the southerners who migrated for better opportunities in the north. The unfavourable and unequal economic relations between poor migrants from the southern region and wealthy merchant farmers in the north resulted in asymmetrical power relations that created an ambience for vicious cycle of exploitation. Exploitation was worsened by racial prejudices, cultural bias and religious intolerance against the non-Muslim and non-Arab Sudanese from the South. The poor relationship between the Baggara and the Dinka highlighted earlier also demonstrates how entrenched ethnic polarisation between the African and non-African Arabs in the Sudan has become. The Dinka's opposition to the spread of Islam and Arabic culture naturally fuelled tensions with the Baggara Arabs. The tensions were reinforced by stereotypical views they hold against each other: the Dinka perceived the Baggara as unpredictable because of their failure to keep truces they jointly signed in 1990, 1991, 1998 and 1999 (Jok, 2001b:11) while the Baggara consider the Dinkas as sub-human – slaves.

The Baggara-Dinka relations characterised by human abduction, trafficking and enslavement were not just a mere accident of war or tribal feud. Rather, the north-south civil war was its catalyst and conformed to

the desires of the northerners (Jok, 2001b, Johnson, 2003a). While the civil wars produced and reproduced waves of exploitation in the country, the perceptions of the northerners about the southerners as slaves and their treatment as such – also common in both public service and private realms – is one of the reasons cited in the north–south civil war narratives.

In Sudan, wars and exploitation mutually reinforced each other: human exploitation triggered the civil war while the war also exacerbated human exploitation. Northerners used the civil wars to create a pool of cheap agricultural labour force. This was seen in the government in Khartoum's aggressive propaganda of providing protection to the displaced and migrant population from the conflict affected areas to justify the creation of protected people's camps. Yet Khartoum's concepts of "peace camps" and "peace from within" were mainly used to attract the unsuspecting internally displaced persons in dire need of government protection. The "peace camps" were actually no less than "concentration camps" and reservoirs for cheap labour, centres for indoctrinating southerners into "alien cultures", means of attracting foreign aid and theatres of human rights violation (Jok, 2001b, Johnson, 2003a).

The idea of providing "civilian protection" by governments during war time is not new in the peace and conflict literature. The New Life Villages created by the South Korean army during the Vietnam War provides a shocking example of 'civilian protection' in conflicts. This is a case of the South Korean army herding the Vietcong farmers at gunpoint into special enclosures cordoned off with barbed wires. The Uganda military – the

Uganda People Defense Forces (UPDF) – also used a military strategy similar to the South Korean’s during the war with the Lord’s Resistance Army (LRA) of Joseph Kony. The UPDF created “protected villages” in the LRA affected areas of northern Uganda for providing “civilian protection” from LRA attacks and abductions became theatres of systematic attacks more than ever before.

The Khartoum government also claimed that the “peace camps” would provide civil protection from the SPLA rebel attacks. Yet the government strategy was not driven by security interest but greed and domination. The foregoing examples from North Korea, Uganda and Sudan illustrate that the creation of “protected villages” or “peace camps” serve the military interests of those in authority instead of the human security of the vulnerable.

The contemporary abduction, trafficking and enslavement of the Sudanese have similarity to the 19<sup>th</sup> century slavery. But for human abduction, trafficking and enslavement to occur, three main conditions must exist. The conditions are similar to factors that perpetrated the ancient practice of slavery in the Sudan (Jok, 2001). The first condition that permits human exploitation to thrive best is an atmosphere of enmity. Slavers find justification for creating such an environment in order to carry out the violence against victims. The second condition relates to the perpetrator’s perception of the vulnerable. In order for the perpetrators of slavery to justify inhumane treatment of their targets with impunity, they must first view the members of their target group as inferior. The criteria

for determining the sub-human attributes of potential slaves are based on prejudices of the abductors of the victims in terms of race, religion, ethnic affiliation or regional identities. The third condition involves the total exploitation and destruction of the natural resource and socio-economic bases of the community in question as a means of creating vulnerability and dependency. This approach strengthens the perpetrators' power against any form of resistance.

Cultural prejudices and ideology of superiority informed Khartoum's eclectic dream of dominating black Africa starting from South Sudan (Jok, 2001b:13). Since British colonialism thwarted that dream, the northern policies towards the South were never friendly. The northerners also perceived any form of resistance to the policies and cultural influence from Khartoum as a manifestation of anti-Arabism and anti-Islamism. But the Sudanese version of Islamic ideal that justifies slavery and murder departs from what is known as the ideals and historic principles of decency of Islamic faith (Jok, 2001b:13).

It was clear that the second Sudan North-South civil war was used by successive regimes in Khartoum to entrench abduction, trafficking and enslavement and/or sales of "the Southern blacks, and increasingly Christian Sudanese, by the Arab Muslims" (Jok, 2001b: 1). The governments in Khartoum also armed low-cost militias of the Arab-herding tribes, the Baggara, from Darfur and Kordofan provinces to facilitate the attacks of the neighbouring inhabitants of Bar al Ghazal and Abyei. The total destruction of socio-economic bases of the villages in Bar al Ghazal

and Abyei was a strategy that rendered war victims vulnerable, survivors unable to find their villages habitable and enabled them comply and collaborate with their tormenters.

Whereas the British had reduced the magnitude of slavery and human exploitation in Sudan by the 20<sup>th</sup> century, the legacy of abduction and slavery in the form of physical and moral damages in the Sudan were intact. Very little changed as child abduction, trafficking and enslavement continued; this is an issue that the government in Khartoum disagrees with. The government in Khartoum contends that the abduction of the Dinka and the Nuer was a result of the civil war and an overlap of tribal feuding over natural resources. Even if we use the Sudan conflict narrative that war is the main driver of abduction and enslavement in Sudan, the fact that a similar phenomenon emerged in the post-war South Sudan raises pertinent issues regarding why human exploitation is persistent. By implication, it challenges the contention that trafficking related exploitation is induced by war. Besides wars, there are other vulnerability factors which influence the acquisition, trafficking and exploitation of persons in South Sudan some of which have been highlighted above. But the question regarding the existence of human slavery in Sudan's modern history dominated the academic literature following claims that contemporary *slavery* re-emerged in the Sudan since the 1980s.

Chapter 2 of the thesis explored how human trafficking can be conceived as modern slavery. But what do we know about human slavery? How are the practices of slavery in Sudan linked to human trafficking?

Article 1 (1) of the Slavery Convention of 1926 defines slavery as “the status of a person over whom any or all of the powers attaching to the power of ownership are exercised” (UNHRC, 2007). And a *slave* is anybody who lives in state or condition of being owned by another person. Slave trade, therefore, is the capture of a person with intent of selling, disposing of or exchanging that person for goods, services or money. Based on the definition of slavery provided above, Jok (2001) asserts that slavery was practiced in Sudan during the north–south civil war as abducted children and women were ‘traded’ for favours and/or goods in the north. This assertion conforms to Kevin Bales’ notion of “new slavery”, which describes how slaves are held as properties, coerced and their labour remains at the disposal of their masters (Bales, 1999 ). The human slavery in the Sudan cannot be reduced to just traditional tribal skirmishes resulting from feuding over natural resources (Alsikainga, 1996, Johnson, 2003a, Jok, 2001b).

While a comprehensive definition of slavery in the context of Sudan is hard to come by, how would we conceptualise the practice of organised raids and kidnaps of people from one community by the other for exploitation? The regime in Khartoum suggests that the term slavery is not ‘water-tight’ as it includes a host of practices common in societies where exploitation occurs. This argument is in line with that of Kevin Bales



who notes that although slavery is fundamentally tied to labour, there are other forms of slavery or bondages of human beings “such as wage labour, serfdom, and clientage” (Jok, 2001b:4). However, the understanding of what constitutes slavery in Sudan has always tended to pursue socio-economic and political dimensions. Although human abduction and enslavement in Sudan is unique, the Khartoum government insists that the phenomenon is triggered by complex socio-cultural factors not typical of Sudan but widespread across much of Africa and the entire world over. On the issue of ‘slavery’, Atabani cites the socio-cultural viewpoint of the Sudan Presidency:

(A)n arguably more serious ... phenomenon is the case of children and women who have been seized by raiders. Abominable and hideous as it may be, this is an ancient practice, variants of which are found in many parts of sub-Saharan Africa. It is especially rampant when there is a breakdown of authority. It is used sometimes as some kind of exchange, where one tribe exacts punishment on the other for some wrongdoing or to use it as a means of recovering members of the tribe who had been abducted earlier. This latter is similar to what in the West might be described as hostage taking (Atabani, 2002:2).

Atabani raises a pertinent question regarding how language may lead to unnecessary generalisation and stereotypes. Language has the power and ability of making well-intentioned efforts to revert to endless

controversies. As for abduction and exploitation of women and children in Sudan, its understanding has been polarised between two “rival camps” – one that describes the Sudan phenomenon as constituting human “slavery and slave trade” and the other arguing that it is just human abduction. The people who contend that the use of the term ‘slavery’ is inappropriate in the country’s context suggest human abduction demonstrates power inequality by the strong over the weak and that it is commonplace between communities. They also wonder why there is a paradigm shift in the current understanding of the phenomenon yet such abduction flourished during the British administration in Sudan and were never characterised as slavery.

In contrast, Sudanese scholars classify the inhumane acquisition and exploitation of people as slavery and suggest that the nearest form of chattel slavery which emerged in Sudan from 1983 has been a by-product of the country’s civil wars (Jok, 2001b, Miers, 2000). To these scholars, the compulsion of victims of abduction to all sorts of exploitation, including domestic servitude, unpaid agricultural labour, sexual slavery and attempts to reconstruct social identities through Islamisation, language and name change, and circumcision denote slavery (Miers, 2000:721). The “peace camps” cited earlier were important centres for indoctrinating women and children into Islam as men provided forced labour in plantations.

Applying the term “slavery” to describe a particular group of victims of war is not only inaccurate and inappropriate but it can also be offensive as

slavery in Sudan had no identity or geographical boundary. The northerners dismiss the claims of slavery in northern Sudan as 'Western' and an 'anti-Islamic propaganda' peddled by enemies in the South and from Christian organisations. They argue that it is illogical for an identity group to be 'picked on' as a sole perpetrator of abduction, yet similar practices are widespread and evident among other non-Arab Sudanese. Nonetheless, the view that human abduction is not confined to any two distinct ethnic identities was corroborated in a jointly signed communiqué between the Khartoum government and Sudanese People's Liberation Army (SPLA) in 2002 in which they denied the existence of slavery and slave trade in Sudan yet they reaffirmed that the public law and policy prohibit the acts of slavery, slave trade, abduction and forced servitude (Atabani, 2002). Why were these acts incorporated in the public law if slavery and actions related to it were non-existent?

In a 2009 interview which featured in Gurtong's *South Sudan Safari, Episode 16* on contemporary child trafficking in South Sudan, the former Vice President of South Sudan, Dr Riek Machar, who had accompanied rescued child victims of trafficking from Jonglei State decried the problem of 'child trafficking' in South Sudan. Riek reiterated the complexity of the problem of child trafficking in South Sudan by affirming that:

Child abduction is a very unfortunate phenomenon practised in the common border between the north and the south with the Arab tribes abducting south Sudanese children. In the South, the Murle tribe is known for abducting children. And

unfortunately ... we have some cases of child trafficking by people who may not even be Murle and who go on to sell them to the Murle ... we are holding conferences to discuss child abduction and hopefully in the conference all the chiefs and governors will participate (Gurtong, 2009).

The vice Presidency's affirmation of the phenomenon of child trafficking in South Sudan raises three fundamental issues: Where do the child slave markets exist in the country? Are the claims about slave "redemption" by anti-slavery organisations real or a scam that revolves around constant "transit between capture, sale, release, redemption, escape, dumping, and capture again" (Jok, 2001b:2)? How can the claims provided by human rights lobby groups and the Anti-Slavery Society that in any given year about 25,000 women and children are trafficked internally in Sudan and enslaved in Darfur and Kordofan regions each selling for US \$15 be corroborated? (Jok, 2001b, Miers, 2000).

Jok (2001)<sup>85</sup> suggests that slave markets existed in northern Sudan and explains how it functioned between 1987 and 1988:

(T)he price of a slave went down from \$90 to \$10... It is hard to determine the fall in price of slaves but going by the usual determinants of market prices – supply and demand – falling slave prices in northern Sudan may be attributable to an

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<sup>85</sup> In order to put the price of slave into perspective, Jok notes that a cow in northern Sudan between 1987 and 1988 would cost over US \$100.

oversupply of slaves, which could mean that the Baggara raids have increased (Jok, 2001b :2-3).

International civil society organisations such as Christian Solidarity International (CSI) implemented counter-slavery programmes that ‘secured’ the freedoms of ‘slaves’ in Sudan by ‘buying back’ their freedoms. But how would the ‘buying back’ of slave freedom address the root cause of the problem? The anti-slavery charities slave redemption that involved paying for each captive at between US \$50 and US \$100 was heavily criticised. There were fears that the anti-slavery charities used slave redemption as a strategy for fundraising and that some slave redemption funds could have been used to acquire small arms and for hiring slave raiders. The programme also encouraged the emergence of a “cottage industry” of ransoming children thus making it very expensive to execute. It was unclear whether those working in slave-like conditions in the north were kept against their will and desired to be “redeemed” or preferred tolerating their new conditions instead of returning to face unbearable insecurity and famine in the south.

Conflict induced slavery in Sudan is a reminiscent of the many disturbing features of the old conflicts between the Khartoum government and the South on the one hand, and the emerging inter-state and inter-ethnic conflicts commonly experienced in South Sudan. Evidence of revival of slavery in Sudan first appeared in a detailed report compiled by the United Nations Working Group on Slavery in 1988 and discussed at the International Labour Organisation conference in 1989. The report accuses

the Khartoum government of facilitating militias with arms to raid the southerners so as to depopulate the 'borders' between the north and south and weaken potential support base for the SPLA rebels. Khartoum authorised the militias to seize all sorts of booty (goods, livestock and slaves) as payments for their loyalty in fighting its proxy wars.

The war-time economy also compelled some poor parents to sell-off their children during the economic hardships at US \$ 70 each. In order to avoid legal charges of human slavery, the trade in human beings was routinely disguised as 'prawning' or 'renting' of children (Jok, 2001a:11). This practice meant that for parents to buy their children's freedom back, they needed to pay twice as much. In practice, this proved unattainable as child slaves were passed on from one merchant to the other, making discovery of their whereabouts difficult.

### **Economic Causes: Resources and conflicts in Sudan**

Sudan's economy has been primarily dependent on agricultural resources although its oil production and export has only become more significant from the late 2000s. Natural resources have been a key issue in encapsulating two types of resource-based conflicts: conflicts over resource scarcity and resource abundance. The prevalence of conflicts over resource scarcity pertains to the rights of access, control and use especially between nomadic pastoralists whose lives are dependent on pastures and water for their livestock.

Oil resource is one of the core issues in the narrative of the conflicts resulting from natural resource abundance in Sudan. Goldsmith and others explain how the Southern region of Sudan is blessed with vast oil reserves and other valuable mineral resources (Goldsmith et al., 2002). But these resources have been a blessing in disguise to Sudanese. Social structures and governance pertaining to the rights of ownership, access, use and management of the natural resources have become the dominant features of tense relationships among various communities in the country to the extent that the narrative of the root cause of most contemporary conflicts relate to natural resource control and management.

In resource scarcity terms, the perceived unjust distribution of wealth, more specifically the proceeds from oil resources have impacted on the dynamics of the deep-rooted animosity in Sudan. The resource challenges in which the country has been entangled are the case of suffering from natural resource paradox – a ‘pseudo’ state of resource scarcity within abundance. Perhaps the natural resource paradox best explains why the pattern of underdevelopment of non-primary natural resources that could have been used to drive the economy parallels their exploitation patterns in ways that are not sustainable.

Another way of explaining the nature of the resource conflict in the Sudan is through neo-Malthusian thesis which stresses how demographic and environmental stress impact societies. The natural resource realities,

especially their interconnectedness to resource scarcity<sup>86</sup> may be explained as a function of three interrelated drivers: renewable natural resources; economic marginalisation; and, demographic shifts. Adaptability of a country like Sudan with renewable resource base and with limited technological, social and political ingenuity and supportive institutions is an uphill task. It means resource scarcity can potentially still prevail amidst resource abundance.

In addition, population pressure directly impacts resource scarcity due to proportional increase in demand. The increase in population is directly linked to environmental degradation, which in turn decreases resource supply, generates resource scarcity and increases demand. Homer-Dixon (1994) describes a situation where resource distribution is skewed as potentially capable of generating structural scarcity that impacts the entire population of a country through revolving and remaining concentrated “in the hands of a few and subject[ing] the rest to greater scarcity” (Homer-Dixon, 1994:9).

When Sudan needed to revitalise its economy, it had to largely depend on the bulk of the natural resources (mainly oil) concentrated in the southern region (Johnson, 2003b:9). With South Sudan’s cessation, that has become a different matter. The locational disadvantage of the natural resource wealth in the Southern region was the prime concern why the northern elites were consistently disinterested to support the South to

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<sup>86</sup> Renewable resource scarcity occurs when the stock or flow of a renewable resource is quantitatively depleted or qualitatively degraded at a rate faster than the rate of regeneration or distributed in such a way as to artificially deprive individuals of the resource.



secede. The International Crisis Group (ICG) observes that oil is the prime natural resource wealth at the core of the contentious debate in the Sudan followed by prime agricultural land in the Nile flood plain, the water of the vast Sudd and the Nile River itself for navigation (ICG, 2002a).

But attempts by the northern political elite to tap into the abundant wealth in the Southern region by gaining total control elicited resentment. The southern region's rebellion against the Nimeiri's regime renewed political marginalisation of the South and infringement of its regional autonomy as he abolished the right of the South to tax the extractive natural resources (Alier, 1990b:45-7, Johnson, 2003a:219-24). The northern bid to control the resources in the south, now an independent country, always stirred political controversy.

As highlighted in the previous section, Sudan suffered from the twin evils of resource scarcity and abundance. Bad governance, poor distribution, and management compounded the challenges of natural resource scarcity and resulted into armed conflicts. As Salih (1990) observes, the natural resource paradox in the Sudan inevitably led to poverty, with poverty being both a cause and a consequence of insecurity and armed conflict. As a dysfunctional and weak state where environmental stress built up, out-break of violent conflicts were inevitable (Salih, 1990). Paradoxically, however, Sudan and South Sudan are resource-rich countries with abundant oil resource and other immensely profitable commodities sought-after by wealthier nations. Like much of Africa, Sudan functions within exploitative economic systems created and perpetuated

around the extraction of mineral wealth with limited accountability system to its people. A detailed look at two main natural resources – mainly oil and land – and how they are potential conduits of violent conflict provides a better understanding of the natural resource paradox explained above.

The 1970s was a decade when Sudan witnessed economic growth stimulated by large foreign capital inflow from Saudi Arabia and Kuwait. The direct foreign investment aimed at elevating Sudan into becoming the Arab world's "breadbasket". Besides, the United States, the European Community and China provided Sudan with substantial aid while the World Bank provided more sustained development loans with the hope for continued economic growth. Sudan used the aid to invest heavily in the agricultural sector through relying on sufficient nature (rainfall) and nurture (through irrigation water from the Nile). By 1991, Sudan had failed to claim its full water share under the 1959 Nile Waters Agreement with Egypt.

But the discovery of oil at Bentiu in Southern Sudan undermined the peace, stability and development foci of Sudan. The oil discovery came at the time when the dream of the "breadbasket" had just begun faltering. To Nimeiri's regime, the discovery of oil made him reforecast a brighter future for Sudan, yet in reality the economy had seriously begun spiralling downwards. When the regime encountered severe economic hardship, Nimeiri asserted direct authority over the newly discovered oil resource. It is also argued that one of the main reasons why President Nimeiri rescinded the Addis Ababa Agreement was because of the oil wealth discovery. The President's announcement of the plan to redraw provincial

borders between the southern and northern regions in 1980 reached a political deadlock when his proposal was blocked by regional governments. Consequently, President Nimeiri conveniently created a new province called al-Wihda – now referred to as "Unity" State. He also rescinded the authority of the Southern administration from the oil fields altogether and amended the 1972 Oil Exploration Act to allow his Minister of Energy exert total authority over making agreements with oil foreign investors.

The success in the oil exploration did not translate to tangible benefits such as improved standard of living for the ordinary Sudanese (Collins, 2008). The northern Sudanese government significantly used the proceeds from the oil revenue to finance its war against the South through increased procurement of military hardware and for domestic arms production. In 2001 alone, the Human Rights Watch indicates the government in Khartoum spent 60 per cent of the US 580 million of oil revenue in arms relate deals (Rone, 2003: 343). Another example of heavy military expenditure was in the arms deal it signed with Russia in 2002 for Russia to develop its oil fields in return for the purchase of its arms and assembling battle tanks (Renner, 2004).

Alongside increased defense budgets, the Khartoum government also used oil contracts for improving its international relations. The SPLA were, however, inclined to frustrate the Khartoum government's control of oil by mounting targeted attacks and creating conditions that would draw the government to the negotiation table from a much weakened position. At

this time, the oil resource became the main source of political and social tension between the north and the south: it triggered rebellions and also undermined peace (ICG, 2002a, Rone, 2003, Christian Aid, 2001, Amnesty International, 2000, Verney, 1999, Switzer, 2002).

The environmental impact of the oil exploration presents risks associated with environmental scarcity. Oil exploration is a high risk economic activity because of its environment impact. In the Melut Basin, massive oil spills from blowouts often make the Nile water unusable from Melut to Alexandria. Oil spills negatively impacts on Machar Marshes considered among the most important wetlands in the world. Besides, there are environmental scarcity resulting from related costs of oil exploration such as air, land and water pollution that affect aquatic life in wetlands, terrestrial and human lives (European Coalition on Oil in Sudan, 2006).

As discussed above, the oil production and exploration significantly contributed to conflict in Sudan by creating unequal distribution of benefits, financing the repressive Khartoum government and in sustaining wars. "The new, intensified and more geographically focused nature of government military strategy is ... clearly linked to oil development" (Gagnon and Ryle, 2001:4). The government also used oil infrastructures such as the company roads and airfields for displacing civilian settlements as the security radius widened (Harker, 2000:11, 48-49).

The above analyses points to the fact that natural resource abundance in the Sudan have had indirect contribution to several conflicts. Moreover,

the political economy of gaining equal access to, ownership and management of, and exerting control over natural resources are central in triggering competition over these resources. However, deliberate choices by the governments shown by policies, marginalization of other regions, over-exploitation and misuse of natural resources that created scarcity and other associated problems resulted in a series of conflicts in the country.

Besides oil, land is another resource that has been creating animosity in Sudan since the time of colonialism as Suliman asserts:

when the colonial powers introduced their market economy in Sudan towards the end of the last century, they simultaneously restricted its development and expansion by indigenous Sudanese in order to maintain political and economic control (Suliman, 2001: 1).

Land is not just a material resource that the Sudanese compete over; it is the backbone of the national economy. Land has ties with ethnic identity, a set of gender and age roles (Taha, 2007). It also plays a central role to both rural and urban communities with profound cultural and socio-political dimensions (Pantuliano, 2007). The most common source of land related conflict has always been over its access and use. A combination of complex interrelated factors such as pastoralism, commercial agriculture, poor legislations governing land tenure systems and

dysfunctional institutional frameworks are at the core of land related conflicts (Taha, 2007).

Although Sudan was a huge country before its split, the land suitable for rain-fed agriculture is scarce for either pastoralism or dry farming. The land tenure system founded on customary system defines land access and use and continues to entrench tribal territorial rights under African indigenous leadership systems. But land scarcity in the Sudan has sometimes been induced by warring factions. This is the case where warring parties deliberately choose the use of landmines as a weapon of war. The 2005 Landmine Impact Survey conducted in the Sudan's 25 States (before its separation) on the potential threats of Explosive Remnants of War (ERW) such as landmines revealed that 19 states were infested with ERWs with the majority of the most affected States located in the South. The International Campaign to Ban Landmines lists mine affected areas in the Sudan to include the Equatoria, Bahr El Ghazal, and Upper Nile, the Nuba Mountains of South Kordofan in central Sudan, the Jonglei and Blue Nile regions and Bhar El Arab in the Safaha area with the most affected cities being around the principal towns of Juba, Wau, Bar, Torit, and Kapoeta (International Campaign to Ban Landmines, 2001).

The danger posed by landmines cannot be underestimated as they immensely contribute to the scarcity of land by rendering productive land dangerous and inaccessible. Landmine infestations impact economic activities on land as a prime factor of production. Although the exact

number of landmines and Unexploded Ordnances (UXOs) in Sudan is unknown, conservative estimates by the International Committee of the Red Cross (ICRC) at one point suggest it ranges from 500,000 to 2,000,000 landmines were believed to have been planted in the Southern Sudan region alone (Kebbede, 1997 citing Battersby 1994:6-7). During and after the conflict, the roads infested with landmines severely hampered service delivery by charity and government agencies. It also impacted on the migratory trajectory of nomadic pastoralists and as they try to avoid suspected minefields new conflicts with neighbouring communities emerge.

It is thus important to note that natural resource scarcity and pressure on resources such as land are intertwined with other sensitive issues pertaining to ethnic, intra-ethnic and class issues. The Sudan's land tenure system and its government policies on natural resource management failed to facilitate equitable and just land distribution between the different groups and regions. Moreover, the fluidity of communal and county boundaries led to disputes and vicious cycles of inter-communal conflicts over land rights, access and ownership and use. And because large supply of illegal small arms exists in the Sudanese society despite attempts to disarm civilians, most disputes and disagreements degenerate into open violent conflicts. In most cases, ethnic identity cleavages are quickly invoked and used for mobilization during such open conflicts as it was the case in the most recent armed conflict South Sudan experienced.

## **The regional and international dimensions of the Sudan civil wars**

Sudan is part of the Horn of Africa sub-region and is bordered by nations with interests in the country's internal politics. Historically, the Horn of Africa has been regarded as one of the most conflict-ridden and unstable sub-regions of Africa. It is argued that the most significant factor responsible for the persistence of the political conflicts in the Sudan, a sub-set of the greater conflicts in the Horn of Africa, is the doctrine of 'mutual intervention' or simply the phenomenon in which neighbouring governments and forces engage in supporting opposition elements in each other's neighbouring states (Cliffe, 1999:89). Cliffe attributes such actions to a system that enables and multiplies conflicts that routinely destabilise the entire region. The politics of the Horn of Africa involve most neighbours playing the role of political saboteurs through persistent interference in each other's internal problems. In most cases, it seems countries in the regions are always on standby to grab any slightest spark of 'grievance' and quickly exhaust any opportunity that can fuel and intensify conflicts.

The Ethiopian government support for the SPLA rebels and Sudan's reprisal support for Eritrea's independence liberation war demonstrates how sub-regional actors get involved in each other's backyards. The relationship between Somalia and Ethiopia presents yet another scenario: while the Somalis supported Ethiopian rebel groups in the Ogaden region of Ethiopia, Eritrean and in Oromo, Ethiopia responded by supporting the Somali rebel groups fighting their former government. Eritrea also built



strategic alliances with the former Ethiopian rebel groups, the Oromo and Somali dissidents to support their liberation struggles. After its independence in 1993, Eritrea scaled up its support for internal civil wars in Southern and Eastern Sudan, and also in Darfur region (Healy, 2008: 39). In the 1980s relations between Ethiopia and Sudan were also severed by the Mengistu's regime military support to the SPLM/A that boosted their military success. Ethiopia did not only provide "sanctuary to the SPLM/A's leadership but also supplied advanced weapons, equipment and medicine, and logistical support to the movement" (Kebbede, 1997: 51). Also, the Human Rights Watch (HRW) notes that Uganda did not only provide safe haven to the SPLM/A but its troops also participated in direct combat alongside the SPLA inside the Sudan's territory (Human Rights Watch, 1998). These examples show that the conflicts in the Horn of Africa and its neighbouring regions are directly or indirectly intertwined. And the porosity of the regional borders that permitS easy cross-border arms trafficking adds to the complexity of how the regional conflicts deepen (Prendergast, 1999).

Sudan location in the Middle East and the Gulf regions has geopolitical and strategic significance too. Sudan has traditionally been receiving military and financial aid from some members of the Arab League. Although most of the aid received in the 1960s and 1970s originated from the Middle East, in the 1980s the Arab solidarity widened the scope of the aid it received. During President Numeiri's rule, Sudan's close relations with Egypt also influenced the US foreign policy towards the region and

the entire Arab world. As will be discussed later, neighbours also have a history of intervening in the domestic affairs of Sudan in attempts to resolve the conflicts.

At international scene, however, foreign actors and governments played significant roles in the Sudan conflicts since 1965. Israel, for instance, provided *Anya-Nya* rebels with substantial military support while in the Congo and established training bases in Uganda and Ethiopia (Assefa, 1987:65). The Israeli government hoped that supporting Anya-Nya would discourage the Khartoum government influence in destabilising nations in the Middle East (Beshir, 1975: 93). In response to the Israeli foreign aggression in Sudan, Khartoum strengthened its strategic alliance with Egypt and drummed up massive support from the Muslim world and beyond. As a result, Sudan received huge financial and military support from Algeria, United Arab Emirate, Saudi Arabia, Kuwait (Matthews and Ali, 1999:207) and the former Soviet Union, its main source of financial aid (ICG, 2002a; Eprile 1972: 12).

### **Peacemaking in Sudan**

Although President Nimeiri ended the first Sudanese civil war, his actions which undermined the Addis Ababa Peace agreement ushered in a new era of civil war in 1983 that eventually resulted in the demise of his political career. Initially, the southern rebels contemplated joining the new government of the Transitional Military Council (TMC) which succeeded Nimeiri with the hope that it would provide a peaceful means of resolving

political differences in the country. The TMC was, however, adamant to accept neither SPLM/A as a political party nor its demands to restructure the state and hold a constitutional conference (Lesch, 1998). This lack of political agreement meant that the early peacemaking effort would eventually falter.

Following the collapse of the peace process, an internal peacebuilding dialogue was convened at Koka Dam in March 1986 between the National Salvation Alliance and the SPLM in which a peace agreement favouring SPLM/A was reached. Because the Democratic Unionist Party (DUP) and the National Islamist Front (NIF) were not involved in the negotiations, the agreement was undermined by other parties to the conflicts. In a related development, the peace agreement the DUP leader, Osman al-Mirghani, signed with the SPLM/A on 16 November 1988 was never accepted by the Umma-NIF coalition. The military coup of 30 June 1989 resulted into another phase of violent conflict. It is claimed that the NIF leadership wanted to see that the peace process was ended. NIF, therefore, devoted significant human and material resources to its war machinery.

In 1991, the bargaining power of SPLM/A in the peace negotiations significantly dwindled and the movement suffered two major blows. Apparently, the SPLM/A lost its key ally, the Derg of Ethiopia, and was also facing internal leadership revolt that pitted senior commanders, Riek Machar and Dr John Garang, against each other. The former Nigerian President and the then Chairman of the Organisation of African Unity (OAU), Ibrahim Babangida was concerned about the security

development in the Sudan and convened peace talk in Abuja between the weakened SPLM factions and more confident NIF to resolve the conflict. The NIF proposed that a new constitution of Sudan should be crafted based on Sharia, with the exception of southern Sudan being exempt from *hudud* (Islamic mode of punishment). The SPLM/A rebel factions pushed for a secular democratic system and the right of the South to hold a referendum on self-determination. Khartoum rejected the rebels' proposal and the negotiations eventually collapsed.

A year later, the SPLM/A raised the same issues in the subsequent round of talks with NIF. The Khartoum government, however, presented a proposal for power-sharing and balanced development and opposed any demand for federalism and secession. It further proposed a constitution that did not refer to Islam generally. The Khartoum approach to federalism did not go well with the SPLM/A whose preference were a confederation and a secular, democratic New Sudan or separation. The contentious issues of religion and self-determination brought about the collapse of the negotiations.

In 1993, a regional inter-governmental trading bloc, the Intergovernmental Authority on Development (IGAD) was set up and its Standing Committee on Peace mandated to handle the Sudan's north-south civil war. The need for IGAD to intervene in the Sudan peace process followed previous unsuccessful attempts by the Nigerian former leader, President Babangida, to resolve the conflict. According to El-Affendi (2001), the shift from internal peacemaking process to IGAD which assumed the

responsibilities of regional peace and security, arose from two factors: external pressure exerted by the international community especially aid agencies and donors, and a paradigm shift on the role of regionalism and regional cooperation in international order.

President Omar el- Bashir preferred IGAD to assume the role of regional peace and security and in addressing the Sudan conflicts. In the absence of any viable peacemaking process, Bashir was wary of a possible spread of US military engagement from Somalia to his country. He also wanted to pre-empt any UN intervention in his country. And by involving IGAD in the peace process, Bashir assumed that he would garner significant support from the former rebel groups his government supported to capture state power in Ethiopia and Eritrea. Bashir also considered SPLM/A as a proxy rebel group of Uganda's President Yoweri Museveni and Ethiopia's Haile Mengistu Mariam and hoped that the overthrow of the Ethiopia military regime of Mengistu would improve relations with Ethiopia. Although the new leadership in Ethiopia expelled SPLM/A from his territory, that did not imply that the new regimes in Addis Ababa and Asmara would be sympathetic to that in Khartoum.

The issue of neutrality of members of IGAD soon took a centre stage during the peace process. The National Congress Party (NCP) feared Uganda was sympathetic with SPLM/A while Djibouti, a member of the Arab League and Organisation of Islamic Conference that would more likely be inclined to support Khartoum was not a member of the IGAD conflict committee either. Because Uganda, Ethiopian and Eritrea were

not perceived to be neutral, Kenya was left as the obvious regional candidate to lead the peace process. Against the backdrop of Kenya's relations with Britain and America and its peripheral support for the SPLM/A, the NCP was also sceptical of its neutrality. Khartoum also argued that Kenyan officials lacked the requisite knowledge of the conflicts in Sudan than their Ethiopian and Eritrean counterparts. Nevertheless, the Government of Sudan reluctantly agreed that although IGAD was not the best forum for resolving the Sudan conflicts, it was perhaps the only 'platform' that could convince the SPLM/A to accept peace. Moreover, as an African initiative, the NCP thought that IGAD would perhaps offer them insulation from their main external enemy, the United States.

IGAD soon formulated the Declaration of Principles (DoP) as the main basis for negotiations. The DoP acknowledged the right of the South to self-determination on condition that the Khartoum government failed to embrace secular democratic system, and recommended social and political inclusion in Sudan in response to the diverse need of its citizens. The proposals in the DoP appeared sympathetic to the SPLM/A bargaining positions that previously featured in the Abuja negotiations. While the SPLM/A quickly accepted its provision, the Government of Sudan was unhappy with Addis Ababa and Asmara which Khartoum perceived to have failed to protect its interests in drafting the DoP. Consequently, the Government of Sudan rejected the DoP and a

stalemate characterised by political battles and military hostilities that lasted for the next four years ensued.

The stalemate provided the SPLM/A with another opportunity to form political alliances with the parties opposed to the Khartoum regime and to position itself for further negotiations. The SPLM/A strategically built alliances with a loose group of northern opposition forces, the National Democratic Alliance (NDA), as a strategy for exerting pressure on the government in Khartoum, dividing the north and gaining wider acceptance from the rest of the Sudan. The Alliance gained considerable regional and international support in both political and logistical spheres.

By the end of 1995, Uganda, Eritrea and Ethiopia stepped up their military support to the SPLM/A, including deploying their troops inside Sudan. At the international scene, however, the US key constituencies with special interests in Sudan were upset that the US sanction on the country denied them lucrative business opportunities. Faced with enormous pressure from within the US, Washington, that associated Bashir's regime with terrorism, favoured regime change in Khartoum as the best option. The Clinton Administration, therefore, provided significant financial support to the 'frontline states'<sup>87</sup> supporting the SPLM/A in combat. In order to diffuse the conflict, the Khartoum government pursued a strategy of 'peace from within' which resulted in the signing of the Khartoum Peace Agreement with Dr Riek Machar's South Sudan Independence Movement (SSIM) and

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<sup>8787</sup> Young (2012) writes that the Clinton Administration provided up to USD 20 million to Uganda, Ethiopia and Eritrea.

other smaller rebel establishments. But Khartoum Peace Agreement did not bring the conflict to an end. However, in July 2002, the Government of Sudan and the SPLM/A finally signed the Machakos Protocol that provided the framework for negotiations and the final signing of the Comprehensive Peace Agreement (CPA) that brought the north-south war to an end in 2005 (Young, 2012).

Despite IGAD's efforts to resolve the Sudan conflict, its perceived weaknesses resulted in other parallel peace efforts such as the Joint Libyan and Egyptian Initiative (JLEI) initiated by Sudan's neighbours – Egypt and Libya. The members of the JLEI, for instance, were concerned the IGAD peace process was dominated by Africans, the northern opposition was excluded from participation in the peace process and that South Sudan's self-determination would threaten Cairo interest in the Nile waters. Besides, Asmara unsuccessfully attempted to negotiate peace between the NDA and Khartoum.

Furthermore, there were internal contradictions that threatened the IGAD peace process. The internal civil wars in some member states, inter-state wars between Ethiopia and Eritrea, partisan nature of the mediation team perceived to be hostile to Khartoum regime, the unfavourable timing of the mediation and financial challenges the IGAD secretariat encountered were some of the challenges which undermined IGAD's efficacy. IGAD was also criticised for failing to bring other conflict actors such as opposition parties, leaders of other rebel groups in the country and civil society organisations to participate in the peace process. As the peace



talks progressed, the peace process was reduced to negotiations between the Government of Sudan and the SPLM/A; specifically, between the formal presence of two key individuals – Dr John Garang and Ali Osman. That means, the CPA lacked the sense of ownership by its entire constituents – the peoples of Sudan. There were also constraints on the public opinion since the negotiation process was highly secretive and the media, civil society organisations were kept at arm's length.

The other impact of the IGAD peace process was its role in reinforcing the power of the State in its exploitative relationship with the periphery. In the process, IGAD undermined its other stated objectives of making unity attractive, achieving peace and sustainable democratic reforms.

Despite all its shortcomings, the Sudan IGAD Peace Initiative had genuine achievements. IGAD received international legitimacy and financial backing from the IGAD Partners' Forum (IPF) and friends; developed detailed well-thought through DoP; improved relations between the belligerents; established of a secretariat; developed a system of ambassador envoys; and produced the Comprehensive Peace Agreement that ended the north-south civil war.

### **Implication of the peace agreements on child trafficking**

Throughout the peace negotiations, the main preoccupation of the actors engaged in the process were limited to ending the civil wars and not dismantling the structures that create violence in the community in the first place. Instead, the peace process created the power of elites in the state

by guaranteeing their existence during the transitional period after the CPA, without recourse to war, for six years.

The failure of the IGAD peace team to address the root causes of vulnerability triggering conflict in the Sudan was echoed by its Envoy General Sumbeiywo's acknowledgement of the limited role the mediation team. According to General Sumbeiywo, the role of his mediation team was very limited due to the fact that they were bound by the parties to the conflict who set the agenda for the negotiations (Young, 2012). No agenda was set by the belligerent that addresses way through which structures that produce, facilitate and reproduce exploitation in Sudan could be dismantled within the CPA framework. It also means that when the mediators accepted their limited role, their task of finding the lowest common denominator was reduced.

Unfortunately, issues which dominated the peace negotiations revolved around ideologies, political power-sharing, identity and economics with the international community. NCP and SPLM/A paid no due attention during the negotiations to structural inequalities of the Sudanese state that produce and reproduce exploitation. The post-CPA South Sudan also failed to provide the legal framework that guaranteed the protection of children from the risk of trafficking. The legal vacuum has allowed the phenomenon of child trafficking and exploitation to evolve into the time of peace. Although the negotiators were aware of impact of the Sudanese civil wars on government structures in the South, they failed to incorporate mechanisms of addressing the problem of child abduction, trafficking and

exploitation. Governance structures and institutions in South Sudan were largely dysfunctional during the six-year transitional period (2005-2011) which meant that it was difficult to address the phenomenon of child trafficking in post-liberation South Sudan.

### **Construction of the modern state of South Sudan**

In the 1989 World Bank officials' seminal report, it argues that "Africa needs not just less government, but better government – government that concentrates its efforts less on direct interventions and more on enabling others to be productive". Governance inadequacy has been the main issue that has been challenging the South Sudan state since it became a semi-autonomous state in 2005 and independent six years later. Although the main aim of the liberation ideology of the SPLM/A centres on building an independent state with neutral institution under the rule of law, less government has not contributed to better government but rather to 'warlord' politics. This is a case in which the political elites reject the idea of pursuing a broader state building project that serves the collective goods and creates independent state institutions which do not advance the personal interests of the ruling elites. The ruling elites also abjure economic development in the country as a strategic means to deny some individuals access to resources so long as they are perceived as threats to their power. In order to deny internal rivals access to resources and to have as much unhindered access to personal wealth accumulation as possible, the few ruling elites in the SPLM/A government have been rewarding its loyal members and external actors economic opportunities.

With influence over the external actors, rulers use their wealth as political resources for subjugation of dissenting voices, buying loyalties, acquiring weapons to facilitate political coercion and accumulating more wealth. As a state degenerates and fails to have functional bureaucratic state institutions, external actors find opportunities to increasingly engage in various political roles which are conventionally reserved for state, including international diplomacy and provision of security. Uganda's recent military involvement in the internal political disagreement in South Sudan provides a classic example.

The emergence of warlord politics, their accomplices and allies have disruptive behaviours which, oftentimes, extend to undermine the authority of other states seem to reflect the continuation of the bureaucratically weak and internally insecure African state. After the South Sudan liberation war ended and it became an independent state, the political elites found themselves presiding over diverse societies the colonial masters had created without any intention that they would be in a sovereign state. For the ruling elites to sustain some semblance of sovereignty and exert territorial control and over the citizens, they desire cutting links with the people who exercise power in their own rights. By creating rigid informal patronage systems centred on personal control over state resources, rulers bind their potential and perceived rivals to them. The leaders maintain the patron-client relationships through the exchange of resources for loyalty as opposed to creating strong bureaucratic institutions. The leaders of this type are cognisant of the

potential role strong bureaucratic institutions can play in increasing independent tendencies among other political elites.

The post-independence leaders have been sustaining the patronage system through developing close ties and support from powerful external actors, which are oftentimes traded for strategic support. Robert Jackson describes the combination of foreign patronage and internal institutional weaknesses of the state as *quasi-states* (Jackson, 1993). The political rulers have then been able to pursue two projects simultaneously; on the one hand, they use foreign patronage to finance their political projects and on the other hand they use the same resources for the benefits of wider constituencies (Reno, 1999) through externally-funded state bureaucratic institutions.

South Sudan can be categorised as a *weak state* meaning, a “spectrum of conventional bureaucratic state capabilities that exists alongside (generally very strong) informal political networks” (Reno, 1999: 2). The contemporary politics in the country has since been characterised by the leaders pursuing power purely through personal means or that which cannot be differentiated from the pursuit of personal interests. They would shift their focus from serving public to private interests especially when they perceive that the public realm may contain dangerous political rivals.

The internal politics has remarkably evolved over the years – from political extremism to its own first-hand experience of state-building. The processes leading to the termination of the North-South civil wars were

long, costly and winding. Since 2005, the international community, the African Union (AU), the Inter-Governmental Authority on Development (IGAD) and the United Nations have been supporting South Sudan in the process of peacebuilding and state-building. The UN Security Council, for instance, adopted Resolution 1547 which paved way for the deployment of a special political mission, the United Nations Mission in the Sudan (UNAMIS). UNAMIS collaborated with the Africa Union and facilitated the deployment and management of the peace support operation of the African Union Mission in the Sudan (AMIS). This was followed by the deployment of a special peacekeeping mission, the UN Mission in South Sudan (UNMISS) in 2011 to assist in monitoring the process of consolidating peace, security and stability so as to create enabling environment for post-conflict recovery and development.

While in the interim, the Comprehensive Peace Agreements that ushered in stability provided frameworks for South Sudan transition and to self-determination, *inter alia*, pending a referendum held six years later. Although fragile, the CPA entered its final and critical phase of implementation when the Southern region held a referendum on 9 January 2011 for its self-determination. The people of Southern Sudan voted overwhelmingly for separation and, on 9 July 2011, South Sudan became the world's newest nation.

The self-determination of South Sudan was organized on a shaky foundation: it was poorly organised as most its arrangements lagged behind the planned schedule (Attree, 2012). The outcome of a poorly

organised referendum was bound to trigger legal battles of validity and legitimacy that would play into the hands of the government in Khartoum which appeared unhappy with the South's bid to secede<sup>88</sup>. At the time of the referendum, the two Sudans still had a multiplicity of unresolved socio-economic, security and political challenges. Bilateral arrangements on nationality and citizenship between Sudan and South Sudan, the questions of natural resource management, especially of water and oil, currency reforms, national assets and liabilities, security and international treaties – all of which needed to have been negotiated upfront (International Crisis Group, 2010). Some of these issues remained unresolved even when South Sudan became an independent country.

### **The resumption of hostilities and its implications on child trafficking**

Because several issues which remained unresolved in South Sudan led to the outbreak to hostilities in December 2013, the description of the state does not differ much from some of the states in Africa, invariably described as soft or weak. In other words, the 'state' of South Sudan is in a state in crisis due to its distinguishing political feature, characterised by the absence of collective interests of the South Sudanese people. What were the issued which led to the recent outbreak of hostilities in South Sudan?

Professor Mamdani (2014) argues that the current stalemate in South Sudan is a result of negative legacies of the liberation war, including

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<sup>88</sup> Interview with a South Sudan academic from the University of Juba, 2010.

unresolved issues in the Comprehensive Peace Agreement. The belief that 'liberators' could do no wrong reinforced the aversion to internal reform and laid the seeds of the present crisis of leadership and governance which divided South Sudan political leaders apart and along ethnic lines. According to Mamdani, the crisis which resulted into over 1 million people displaced and up to 10,000 deaths in South Sudan has deep-rooted historical undertones:

Two issues have featured prominently in the mobilisation by ambitious leaders: parity of community (ethnic) representation in the new power, and different views on the direction in which that power would move. Along this road, there have been several bloody splits. The split in December 2013 was the third<sup>89</sup>.

Moreover, the legacy of opposition of the top leadership of SPLM/A, Dr John Garang, to accountability, transparency and institutionalisation of the movement and his unwillingness to reprimand the perpetrators explains how rampant corruption characterised Civil Administration of New Sudan (CANS), which carried over to the post-conflict government of South Sudan. Citing an SPLM official, Young writes that "Garang and later Salva accepted corruption as a means to stop dissent ... became a wealth generating project" (Young, 2012: 72). De Waal describes two sides of SPLM/A's administration as that of 'benevolent paternalism' on one end and as 'violent and extractive' on the other hand (de Waal, 1997: 96).

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<sup>89</sup> Mamdani (2014) South Sudan: Reforms vital before power sharing. *The New Vision*, Published on 11 February 2014.



With more emphasis focused on armed struggles, it meant that SPLM/A cadres who were drawn to local governance were usually those with lower professional calibres with limited career prospects and fewer financial prospects compared to their counterparts in the military. Within SPLM organisation, it is argued that the poor leadership style was a ticking time bomb for the movement. There are allegations of rampant corruption by top politicians and military commanders, lack of accountability, lack of transparency, cohesion and democracy within the movement's leadership structure and the failure of the leadership to develop a political system for the future government of South Sudan.

The conflict has ramifications on the child's freedom from fear and freedom from want. Specifically, it has facilitated the incidents of child trafficking in the country. A conservative estimate shows that at least 9,000 children have been conscripted into the armed rebellion by both sides of the fighting forces since December 2013<sup>90</sup>. As primary victims of war, many children have suffered murder, torture, abduction and detention, rape and sexual slavery and separation from families or displacement with their families. As discussed in Chapter 4, the ongoing conflict in South Sudan has resulted in a significant increase in the number of vulnerable children living and working on the streets of major towns in the country. As families are displaced, their economic base became destroyed and some children are separated from their families,

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<sup>90</sup> See BBC article, South Sudan sides 'recruit 9,000 children to fight', published 30 April 2014, available at: <http://www.bbc.co.uk/news/world-africa-27220244> (Accessed, 14 May 2014).

they constantly face the risk of exploitation from criminally minded people including human traffickers.

## **Conclusion**

The making of modern Sudan and South Sudan polities has, to a large extent, been influenced by the intersections of historical episodes since the pre-colonial period. Key milestones include foreign invasions and establishment of foreign rules under different administration: the Turko-Egyptian rule, the Condominium Rule, the French and the British administration. The seeds of the contemporary challenges that Sudan and South Sudan face in the post-colonial period including political instability, repression, abduction and enslavement were first sown generations ago and have been watered and nurtured by the Sudanese post-independence elites and foreign interests (Daly and Sikainga, 1993:1).

Moreover, conquests which were at the heart of the early interactions between the indigenous people of the Sudan and South Sudan and foreigners had serious ramifications on the indigenous communities. Arabs became the main actors in Sudan's political history marked by their quest for spreading Arabic influence from the Middle East countries and beyond.

The historical episodes have been both a blessing and a curse to Sudan. Critics viewed the multiple and often confusing identities at the centre stage of the discourse on the crises in Sudan as being responsible for fuelling the civil wars that South Sudan fought. To-date, the modern

Sudans (both north and south) seem to have failed to find a comfortable fit in the institutional attire of contemporary polity. The peoples of the two nations are yet to come to terms with the reality of the legacies of their shared history even though the South is an independent nation. If lessons are not learnt from the challenges that troubled Sudan before the separation of the new nation, they may still be haunted by their troubled history in the post-separation and independence era.

Religious, ethnic, regional and ideological affiliations and creed have been drivers of human insecurity, political instability and vulnerability in both South Sudan and Sudan fueled perception of differences of the other and explains why some people – especially children – are prone to exploitation.

For a long time, Garang– and now Salva-led SPLM resisted democratic transformation. While the SPLM/A called for secularism and democratic transformation in Khartoum during IGAD brokered peace talks, their rhetoric for a New Sudan appealed to the northern allies who envisioned a united reformed Sudan. Yet they continued to pursue the path for secession until South Sudan finally became independent. The SPLM Government in Juba has increasingly been viewed to be authoritarian, one of its features from inception, as it tries to assert a hegemonic position over South Sudan.

The SPLM government also faces daunting challenges most of which gravitate around the process of state and nation building. South Sudan

requires re-establishing and strengthening the rule of law and functional governance systems; strengthening national security; fostering political and economic stability; providing social services and establishing a functional democracy. Whether all these are ambitious aspirations to fulfil, South Sudan requires adequate capacity, support and political will to address the many aspirations of its people.

## **CHAPTER 4**

### **CHILD TRAFFICKING IN SOUTH SUDAN: LOCAL PERCEPTIONS, NATURE AND EXTENT**

#### **Introduction**

In this chapter, I describe and analyse the phenomenon of contemporary trafficking of children in South Sudan, its novelty and its protean nature verging between concerns with immigration, labour exploitation, prostitution, human rights issues and human security. I also examine the common assumptions regarding the origins of trafficked children, including why and how they are victimised, and who their traffickers are perceived to be. I will argue that in the absence of human trafficking database or at least official national estimates of the number of trafficked victims including those of children in South Sudan, the way in which child trafficking is problematised and linked to other phenomena becomes significant.

To elucidate on the problem of child trafficking, the chapter analyses the protean nature of the phenomenon from various vantage points. It situates the analysis of the problem of child trafficking within the political economy of South Sudan and draws attention to how the socio-economic and political realities have been 'vectored' into triggering and exacerbating the phenomenon in the country. The chapter contends that the conceptualisation of trafficking in the political discourse based on 'mistaken' assumptions have compounded the challenges faced by

trafficked children, including traditional social values and practices that make some young people vulnerable to trafficking as a means to escape intolerable conditions with the hope to secure a descent future.

Furthermore, the chapter argues that globalisation and the advancement in new technology have not only facilitated the growth of both legal and illegal markets of children but has also enhanced human mobility, reduced transaction costs and provided opportunity for human exploitation – resulting in child trafficking industry, a sub-category of human trafficking, to become even more lucrative.

Against this background, this chapter focuses on two main dimensions of the phenomenon of child trafficking in the context of South Sudan, each of which has counter-trafficking policy implications. The first part seeks to understand the contours of the market of trafficked persons by examining the push-pull factors, the dimensions of the demand, profitability issues including the market trends based on opportunities, cost-benefit and risks considerations, while the second part, the concluding section elucidates, albeit very briefly, on the implication of child trafficking.

### **The parameter of the problem of child trafficking in South Sudan**

South Sudan experienced dramatic cyclical changes in its transition from over three decades of civil wars to relative peace and recently when it reverted to armed conflicts. Whereas some of the development following the 2005 Comprehensive Peace Agreement ushered in relative peace and granted an opportunity for self-determination, the political development

also exerted significant pressure to the country. Chapter Three explored how the civil wars took a huge toll on human lives and resulted in significant impoverishment of the people of South Sudan, with its legacy further weakening the traditional societal safety nets, and increasing burden on families. Women and children disproportionately suffer from conflict induced vulnerability which includes physical, emotional and psychological abuses, discrimination, neglect and exploitation. With most of the poor South Sudanese living on less than US\$ 1 a day,<sup>91</sup> the conflicts further undermined the economic survival and cohesion of the people and the role of the family, being a primary social institution. It is in this complex socio-economic and political context that the problem of child trafficking operates.

Whereas child trafficking has been persistent in South Sudan for some time, the conceptualization of the problem in the political and expressive discourse shows very little coherence, as evidence from Box 1 below reveals. The responses were selected from representatives of a national civil society organization (NCSO), an international civil society organization (ICSO), South Sudan Ministry official (SSGO) and South Sudan law enforcement officer (SSLEO).

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<sup>91</sup> The poor who are mainly rural based, constitutes 84% of the population of South Sudan. The details on “Key Indicators for Southern Sudan” see the World Bank country specific summary that is accessible through the link below: <http://siteresources.worldbank.org/INTAFRICA/Resources/257994-1337357494718/Key-Indicators-SS.pdf> (Accessed, 9 June 2012).

### **Box 1: Perceptions of child trafficking<sup>92</sup>**

NCSO<sub>1</sub>: Child trafficking is when a child is abducted for adoption or compelled to participate in armed conflicts. Most cases of child abduction are associated with armed conflicts in the country.

ICSO<sub>2</sub>: A child is deemed trafficked when s/he is coerced into being moved from one area to another for various reasons including marriage, labour or adoption. It is child rights violation.

SSGO<sub>3</sub>: Child trafficking in South Sudan is a phenomenon that has been there since the time of the North-South civil wars. It involved abduction and enslavement of children. The persistence of many armed conflicts in the country and the incidence of the child abduction and trafficking seemed correlated.

SSLEO<sub>2</sub>: It is difficult to know when a child is a victim of trafficking or not. This is because there is no formal definition of child traffic that law enforcement officers rely upon. We consider children who have been legally or unlawfully removed from their families and transferred to other places for exploitation to have been trafficked.

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<sup>92</sup> Interviews were coded as follows: NCSO<sub>1</sub> = a national civil society organization, respondent number 1; ICSO<sub>2</sub> = international civil society organization respondent number 2; SSGO<sub>3</sub> = South Sudan government official respondent number 3; and, SSLEO<sub>2</sub> = South Sudan law enforcement officer, respondent number 2.



Evidence from the field research indicates that although the research participants do not have a common understanding of the nature of the problem, they suggest that child trafficking is a phenomenon mainly associated with armed conflicts – an issue embedded in the complexity of the post-war security architecture. But their opinions differ over whether there is any striking similarity between the contemporary child trafficking and war inspired abduction and trafficking of women and children of the 1980s. Respondents do not view child trafficking as something new and consider it as another form of child exploitation that violates the children rights. In spite of the problem penetrating the public policy discourse and generating heated debates, a great deal of confusion regarding the conceptualisation of what constitutes and does not constitute child trafficking in South Sudan corroborates the conceptual confusion in the trafficking literature (Chuang, 1998, Clark, 2003, D’Cunha, 2002, Davidson, 2010, Doezeema, 2010) already explored in Chapter Two of the thesis.

The existing conceptual disparities regarding child trafficking notwithstanding, the research participants from the international civil society organisations (Save the Children organisations UK, Holland and Norway) and the UN agencies (International Labour Organisation, UN Children’s Fund, and International Organisation for Migration) had a similar understanding of trafficking as contained in the international human trafficking law, as discussed in Chapters 1 and 2 of the thesis. All the international civil society organisations and the UN agencies were

involved in one way or the other in child protection programmes in Juba County and other states in South Sudan. One of the bottlenecks the civil society identified in enforcing child protection is the issue pertaining to victim identification. How can the actual victims of trafficking be distinguished from perceived victims?

Chapter 3 of the thesis discussed how the interplay of socio-economic and political factors created conditions which undermine the rights and human security of the most vulnerable citizens of South Sudan. Because children are disproportionately affected by the vulnerability conditions through displacement during war or as child headed households, they fend for their families in various exploitative working conditions including working on the streets. Many street kids work on the streets of Juba city and its outskirts such as Gumbo, Custom Market, Konyokonyo or Atlabara that burst with all forms of trade. But who are the street kids? Are they victims of trafficking? Children who work on the streets comprise of orphans, separated children and child caregivers. Because their families or next of kin are unable or unwilling to support them, they are compelled to engage in all sorts of dangerous, degrading and dirty economic activities on the streets to fend for themselves or their families. Street children depend on the street as their only 'hope' for survival. By interviewing various interlocutors from Juba County, there was no concrete evidence showing the relationship between the significant increase in the number of street children and child trafficking.

Alongside street children, a significant number of children are exploited in Juba County in the labour and commercial sexual industries. Because of ethical concerns I explained in Chapter 1 of the thesis, I did not include them as part of the research participants to establish whether some of them could have been trafficked to Juba. I also noted that respondents had difficulties in distinguishing between migrant and trafficked child labourers on the street on Juba. Even though evidence of labour exploitation of migrant children was not robust, the respondents thought that some foreign street children in Juba could have been victims of forced exploitation and not trafficking.

Whereas the research participants from the international civil society organisations had significant knowledge of child trafficking derived from international customary laws protecting children, the perspectives of Ministry officials and law enforcement officers of the problem was seriously constrained. A senior law enforcement officer understood child trafficking as a process involving “cross-border *abduction* [emphasis added] of underage children for the purpose of adoption, prostitution or forced marriages and labour”<sup>93</sup>. This understanding of child trafficking excludes other forms of trafficking that occurs within a country and also puts emphasis on abduction as the only method of recruitment of children. The difficulties in defining child trafficking significantly influence the work of law enforcement officers in protecting children in South Sudan. Lack of uniform conceptualisation of the phenomenon, also means that suspected

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<sup>93</sup> Interview conducted with a SSLE<sub>2</sub> at the national police headquarters, Juba, 12 July 2010.

cases of child trafficking become difficult to detect, go unnoticed or are wrongly identified. A senior law enforcement officer at the national police headquarters in Juba city noted that:

Before a UN agency provided us with training on human trafficking, and before we [law enforcement officers] can identify and address the problem, it was unclear to me that in the day-to-day work I was more regularly encountering many cases of human trafficking in various areas but had failed to recognize them as such.<sup>94</sup>

As will be elaborated in Chapter 5 of the thesis, there are legal provisions in the South Sudan Penal Code 2003 which make reference to human trafficking and criminalise the abduction, kidnap and forced labour of human beings. But the laws, which will be explained in Chapter 5, are hardly implemented as criminals involved in human trafficking go unpunished.

### **South Sudan as a source country**

South Sudan is a source country for human trafficking yet it does not have a national database with details of statistics of the profiles of victims and perpetrators of human trafficking. It is within the social-economic and political circumstances of the place of origin that an understanding of factors regarding the main aspects of the human trafficking crises can be deepened (Waddington and Sabates-Wheeler, 2003). IOM observes that

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<sup>94</sup> *ibid.*

trafficking human beings in South Sudan is a rapidly growing phenomenon (IOM, 2003a: 8) with children constituting a significant percentage of victims trafficked to various destinations within the region and abroad. This perception of the growth in child trafficking – a subset of human trafficking – is also reflected in the theoretical section of the thesis which highlights the global picture of the scale of the problem. The perceptions about the main destinations of trafficked children from South Sudan are that they are taken to East and Central Africa, continental Europe and the Middle East countries.

One of the most significant and less documented forms of child trafficking is internal trafficking. It is a phenomenon involving the acquisition and transfer of children within and between the various states in the country<sup>95</sup>. In South Sudan, internal trafficking routes and networks do not follow a single route, particular patterns or directions. Rather, they depict complex webs of networks of migration trajectories. It is argued that the rural-urban child trafficking network patterns operate under the guise of African traditional practices of child fostering mainly carried out by members of the extended family as part of collective child rearing responsibility. Yet traffickers look for opportunities to exploit the loopholes in the African traditional child ‘fostering’ and ‘placement’ practices where accomplices, relatives or close family friends use their familiarity to exploit children’s vulnerability. A respondent observes that child trafficking could be viewed as a ‘new face’ of child labour that may not be perceived to be harmful by

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<sup>95</sup> South Sudan is divided into ten political administrative units called States: These are Western Equatoria, Central Equatoria, Eastern Equatoria, Jonglei, Upper Nile, Western Upper Nile, Lakes, Warrap, Northern Bhar el Ghazal and Western Bhar el Ghazal.

the community but a way of providing opportunity to the child to acquire the requisite life skills at an early age:

South Sudan is a conservative society. Despite the fact that many years of armed conflict disrupted the societal fabric some people still adhere to their traditional practices. Some of the traditional cultural practices directly relate to the customary ways of child upbringing which rests on the ideology of collective responsibility of raising a family. One of the practices commonly practiced in the village involves poor families placing some of their children with relatively well-to-do or richer families in towns. Such children are involved in the daily chores of the families such as working in the farms or home and are treated as members of the family without discrimination. Besides, they sometimes are given opportunity to attend school<sup>96</sup>.

But pressure that family sizes exert on the limited resources can also encourage the traditional practice of child placement with families perceived to be well-off. The South Sudan population pyramid discussed in Chapter 3 shows that more young people are dependent on a few working population yet unemployment remains high in the country, currently standing at 12 per cent (SSNBS, 2008). A social worker observes that some families willingly give away their children to other people to foster as a result of their inability to cope with the large sizes of their families:

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<sup>96</sup>Interview with a respondent, ICSO<sub>3</sub>, Juba South Sudan, 15 June 2010.

Some families have too many children to look after and when someone offers to provide any of the children with better life, they are willing to let go of them. For several years, we had not been hearing of children being mistreated by their host families or of their mysterious disappearance. However, concerns are being raised in relation to some of the children. We hear too many accounts of children who are placed with rich relatives or acquaintances being mistreated, disappearing, young girls married off, or getting involved in prostitution. As a result, the traditional chiefs and community local leaders have warned families against allowing their children to go away with strangers to the cities or abroad with the view that the children will be offered better opportunities<sup>97</sup>.

Yet some parent/guardians perceive 'renting' of child labour as a maid or a babysitter as 'acceptable' and is a way of bringing some form of income to the poor family and extending support within the social network. A female respondent observes that,

We have heard of a story about a step-father to Juliet [*not real name*] who 'sold' her to a relative called Bissa [*not real name*] so that she could go and work as a domestic help in Juba. Juliet ended up on the streets doing odd jobs where she spent her life moving from one payam to the other. To Juliet, street life had become demanding, unbearable and demeaning. When a pimp

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<sup>97</sup> Interview with a social worker, CSO<sub>1</sub>, in Atlabara, Juba County, South Sudan, 14 June 2010.

approached Juliet for work in her 'hotel' Juliet gladly accepted the offer and little did she know she would end up in one of the brothels in Atlabara – where she would be forced into prostitution<sup>98</sup>.

Although the scale of the problem of rural-urban migration that ends in exploitative conditions is unknown in South Sudan, it is commonplace that such a migratory space provides a leeway for various forms of child exploitation and abuse of trust. Webs of exploitation include involuntary servitude, sexual exploitation, street work and hawking or vending. It is argued that traffickers use deception and/or coercion as the means of recruiting children from urban to rural areas or between states with comparatively limited and less structured economic opportunities in a non-familiar territory. Internal child trafficking is also influenced by the presence of armed forces in the country; some sections of the regular national army, the South Sudan People's Liberation Army (SPLA)<sup>99</sup>, paramilitary and rebels groups<sup>100</sup> are involved in conscripting children into

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<sup>98</sup> Interview with a social worker, CSO<sub>2</sub>, in Atlabara, Juba County, South Sudan, 10 July 2010.

<sup>99</sup> In 2013, the United Nations monitors were able to identify and retrieve 167 children conscripted into the SPLA and two children from the South Sudan National Police Service. For more details, see the 2014 Trafficking in Persons report for South Sudan, available from: <http://www.combonisouthsudan.org/index.php/726-trafficking-in-persons-in-south-sudan-report-2014-us-state-government> (Accessed, 13 July 2014).

<sup>100</sup> The following are some of the South Sudan based fighting forces operating in the country: South Sudan Liberation Movement of Gadet, South Sudan Liberation Movement-in-Opposition, Nuer White Army, Azania Liberation Front and South Sudan Defense Forces. In addition, the Uganda's notorious rebel group, the Lord's Resistance Army of Joseph Kony which operates in South Sudan, the Democratic Republic of Congo (DRC) and Central African Republic (CAR) is known for the abduction of children and strategically moving them away from their villages or countries to unfamiliar territories, mainly across state and national borders, as a way of weakening their resistance and eliciting total dependence and compliance.



their rank and file<sup>101</sup>. Political instability, armed conflicts and civil unrests are factors which undermine the safety and security of the vulnerable members of the population and create ambience for internal child trafficking in the country. The evidence from the field data confirm the conceptual link between human migration and trafficking which was explored in Chapter 2. This leads us to the following preliminary conclusion: that whenever the African traditional practice of child placement ends well, it can be viewed as 'fostering' but when the placement process ends in child exploitation it can be regarded as child trafficking. Therefore, I contend that there is a thin line between the African traditional practice of child placement/fostering and child trafficking: the outcome of the placement determines whether the child has been trafficked or not.

### **South Sudan as a source country for regional and international child trafficking**

The preceding section highlighted how armed conflicts in South Sudan exacerbate the vulnerability of children to internal trafficking and the potentials for cross-border and international trafficking. The conclusion derived from the research data shows that South Sudan is also a source country for children trafficked within the region and internationally. As Chapter 3 explored, the conflicts in the Horn of Africa and the porosity of

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<sup>101</sup> A recent media report indicates that up to 9,000 children were conscripted into the armed rebellion that erupted in South Sudan on 15 December 2013 between Dr Riek Machar and his former boss, President Salva Kiir. See full article on BBC, South Sudan sides 'recruit 9,000 children to fight'. Available from: <http://www.bbc.co.uk/news/world-africa-27220244> (Accessed, 14 May 2014).

regional borders aid cross-border proliferation of small arms and light weapons into South Sudan. Besides conflict induced trafficking, non-conflict related child trafficking occurs from South Sudan to other countries. Cross-border trafficking in human beings can only be effectively conducted with the knowledge and support of immigration officers or through their inability to detect illicit cross-border movement of human beings.

The political instability that South Sudan has been experiencing for many years has had remarkable impact on the security and rights of the child. In Chapter 3, I explored the socio-economic and political ramifications of the war on the most vulnerable, especially the child. And the increasing presence of unaccompanied minors (UAMs) in South Sudan and abroad have direct link to the current security architecture of the country and its neighbours. Recently, the outbreak of conflict in South Sudan resulted in UNICEF registering up to 245 minors separated from their families and unaccompanied by adults in Juba alone<sup>102</sup>. In 2012, UNICEF also identified and registered over 2000 unaccompanied vulnerable Sudanese children who lived in a refugee camp in South Sudan<sup>103</sup>. As highlighted earlier, most of the unaccompanied minors are direct victims of the ongoing armed conflicts in the country. Whereas the circumstances that led to the separation of the Sudanese minors were unrelated to human

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<sup>102</sup> See UNICEF (2014) *Reuniting children amid the violence in South Sudan*, available from [http://www.unicef.org/infobycountry/southsudan\\_72666.html](http://www.unicef.org/infobycountry/southsudan_72666.html) (Accessed, 13 July 2014).

<sup>103</sup> This figure was revealed in the South Sudan based United Nations radio podcast. The detail of the podcast is available from: [www.unmultimedia.org/radio/english/2012/08/over-2000-unaccompanied-refugee-children-registered-in-south-sudan/](http://www.unmultimedia.org/radio/english/2012/08/over-2000-unaccompanied-refugee-children-registered-in-south-sudan/) (Accessed, 20 September 2012).

trafficking, the lack of adequate protection mechanisms implies that the UAMs face high risk of abuses, exploitation and even trafficking.

### **South Sudan as a transit country for trafficked children**

South Sudan space is a transit zone for children trafficked from other neighbouring countries and the regions because of the porous nature of its borders and complicity of law enforcement officers. Box 2 below provides the narrative of a respondent from an international child focused civil society organisation who recounted the ordeals children from Ethiopia and Eritrea go through in the hand of traffickers and law enforcement officers. The children were trafficked through South Sudan and sold to traffickers in Egypt.

## **Box 2: A witness story of cross-border trafficked children**

In 2012, 11 children from Eritrea and Ethiopia were kidnapped by a group of traffickers who demanded that each of the children pays USD 3,000 to secure their release. The escaped children told me when they were blindfolded, the traffickers threatened they would remove their internal organs should they fail to raise the money they wanted.

The children told me they contacted some of their family members who managed to pay the money the traffickers demanded while some families were unable to raise it. This angered the traffickers. They also mentioned that the first group of traffickers later sold all of them to a second group who demanded that they could only secure their freedom from them upon paying their money worth USD 50,000 back. The members of the second group claimed they had spent that much to buy them from the first group.

Neither the children nor their families were able to raise the huge amount of money the traffickers needed to secure their release. Consequently, they told me the traffickers subjected them to serious torture: they beat them with metal rods, dripped molten plastics on their bare bodies, hang them upside down on ceilings, used electric shock and sexually abused the girls. The children said that they watched two of their colleagues tortured to death. Whenever they forced them to speak on phone with their parents or relatives, the children said that the traffickers would drip molten plastics on their bodies so that their parents could hear them scream.

The children who looked traumatised said that they thought all of them would be killed but eventually some of them managed to escape<sup>104</sup>.

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<sup>104</sup> Interview with a child focused ICISO<sub>4</sub>, Juba, South Sudan, 8 December, 2010.

The availability of multiple trafficking routes, actors and destinations provide further incentives for South Sudan to be used as a transit route for cross-border trafficking. The current South Sudan context exhibits two main challenges. First, its fluid environment encourages criminality with very little hindrances. Ordinarily, various transit options do not pose any serious security hassle to the traffickers and their accomplices. Most significantly, the South Sudan borders are inadequately manned because it is very expansive. The porous border contributes further to the illicit movement of people in and out of the country. Although the Government of South Sudan is aware of the challenges the country's expansive borders present, it argues that resource scarcity is one of the main factors hindering effective border control. Security of the porous borders should be the main priority of the government so that illicit cross-border movement of people is controlled.

The experience of the children from Ethiopia and Eritrea described above show that there is also laxity in the law enforcement programmes by the officers who manage South Sudan migration regulation systems. Although the Government of South Sudan has been trying to improve on the security of its border and in averting falsification of documents, the immigration department still lacks modern electronic identification systems (such as biometric enrolment technology) for capturing migration data. The unsophisticated manual border control provides a perfect space for abuse by criminal minded individuals. Besides, evidence from the field research shows that some of the South Sudanese security forces collude

with traffickers. Some trafficking victims described to the international civil society organizations that support their rehabilitation and repatriation programmes that they witnessed South Sudanese soldiers and police arbitrarily detain victims of trafficking and hand them over to their tormenters – the traffickers. Out of the 15 cases of Ethiopian foreign nationals which the organization said it had documented in 2011, all the victims reported to them that they were detained by the law enforcement officers and were later handed over to the traffickers either from the police station or outside the police station in Ukwaa and Akobo border posts. Another international NGO stated that one of the victims detained by police officers in Akobo had all his money taken by the police and later handed over to traffickers:

The Ethiopian victim of trafficking told us that the police asked him whether he had relatives overseas to which he said he did not have. The following day, when the police officers opened the door to the cells where he was detained overnight, three of the traffickers whom he had escaped from were standing right at the door waiting for him. Because the victim spoke little Sudanic Arabic, he heard the traffickers asked the policemen, “Do these people have family members who can pay us some ransom?” One of the policemen replied, “Yes”. Later on, the traffickers led them to a waiting car and they were driven away<sup>105</sup>.

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<sup>105</sup> Interview with NCSO<sub>2</sub>, Juba, South Sudan, June 2010.

Another respondent from a national NGO recounted what one of the victims narrated to them in 2010 regarding how the police treated them:

As soon as five Ethiopians crossed into eastern South Sudan, three policemen arrested and detained them with another Eritrean man who was arrested earlier for more than 12 hours. Later the police told them they would be taken to a refugee camp. Instead, the six boys were driven for over two hours to where they met some strangers with their pick-up trucks parked by the road side. The police handed them over to these men who drove them to Sudan and later to Egypt where they were sold<sup>106</sup>.

As evidence from the field data presented above suggests, complicity of law enforcement officers exacerbate the problem of cross-border child trafficking. It is also argued that corruption aid in the process of falsification of travel documents such as passport and other emergency travel documents. Although a senior government official suggests that the process of acquiring a South Sudan passport or its temporary travel document is very rigorous, another respondent suggests that as long as a foreign national has the money to facilitate the process, s/he can easily acquire a South Sudan passport. But the process of obtaining a passport requires the presentation of original birth certificates and recommendation letters from local and higher authorities. Yet, it seems, the structured bureaucratic process can be evaded. A respondent observes that the

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<sup>106</sup> Interview with NCSO<sub>1</sub>, Juba South Sudan, December 2010.

entrenched corruption in the bureaucratic system has a functional role in supporting criminality in the country. And prior to 2012, South Sudan did not have an internationally recognized passport of its own.

### **South Sudan as a destination country**

Despite the lack of concrete data on the total number of persons trafficked to South Sudan, there is a general agreement that women and children are the most frequently targeted persons. At the time of conducting this research, there were no national data on the estimated number of children trafficked to South Sudan. It also means that it is difficult to measure the scale of the children trafficked in various exploitative industries in the country. Since the North-South civil wars ended, South Sudan has been a favoured destination for labour migrants from the Horn of Africa, the region and internationally. The increasing interests of international development agencies, civil society organisations and business communities have meant that there are various economic opportunities in the post-war country. Most international career opportunities in South Sudan with international aid organisations and UN agencies are unaccompanied or non-familial positions. Earnings of international staff generally believed to be far above their local counterparts directly and indirectly impact the local markets of goods and services. It has been argued that the significant presence of regional and international staff and the boom in the prostitution industry in places routinely frequented by the expatriates may not be coincidental.



The dire economic circumstances in the region have also been a driving force for trafficking in human beings to South Sudan. Traffickers and their accomplices lure unsuspecting vulnerable people, especially the poor with the promises of lucrative jobs in South Sudan. Recruiters vary from friends, acquaintances or close relatives to formal or fake employment agencies. Narratives regarding vulnerable people trafficked into South Sudan from Kenya, Uganda, the DRC, Chad, Ethiopia, Eritrea and Rwanda revolve around pimps and employment agencies recruiting and sponsoring unemployed individuals desperate to work abroad. Young people seeking genuine and professional employment opportunities often fall victims of human traffickers. Reports about traffickers operating fake employment agencies masquerading as authentic organisations are commonplace with young girls often falling victims. A male run employment agency operated by South Sudanese Diasporas with offices at Ngumo Estates in Nairobi, Kenya, provides a classic example of how traffickers have advanced their means of recruitment of their target using 'legitimate' means. Joyce Joan has argued that the Kenya based agency has been specialising in recruiting educated young women who seek work in South Sudan in various sectors as bankers, education, hoteliers or waitresses<sup>107</sup>.

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<sup>107</sup> Joyce Joan Wangui confirms some of these claims when she undertook an investigation into the surging prostitution industry in Juba. She uncovered in her work, that bogus employment agencies dupe girls and young women into prostitution industry, which attracts UN and NGO workers, foreign investors and sex tourists from many countries. (See *Prostitution in Juba: The Shocking Inside Story*, an article written by Joyce Joan Wangui on 8 August 2012, which can be accessible from [www.southsudannation.com/prostitution-in-juba-the-shocking-inside-story/](http://www.southsudannation.com/prostitution-in-juba-the-shocking-inside-story/)).

Even if the recruitment agency Joan cited above were genuine, the fact that it specialises in recruiting a particular gender (only young women and girls) is problematic. There are also fears that many of the foreign girls and young women involved in the prostitution industry in Juba could have been recruited through such agencies. This further illustrates the complexity of the networks of sex trafficking in the region with the involvement of high profile people within and outside the country. The Kenya based agency not only recruits the vulnerable people for the sex industry but they also facilitate their movement from their home countries to South Sudan. For cross-border sex trafficking to be effective, it requires the collusion of 'recruitment agencies', immigration officials, the transport service industry, pimps, brothel owners and law enforcement officers at the destination country. All the respondents interviewed suggest that most of the brothels (with the exception of the papyrus/makeshift structures) in the city of Juba were established and run by current and ex-security service officers. It is, therefore, no coincidence that highly connected South Sudanese run employment/recruitment agencies abroad for meeting the demand of the emerging prostitution industry in their home country. The researcher also observed that most of the mushrooming lodges/guest houses run by security personnel were high securitised and openly guarded with fire arms.

Alongside foreign young women and girls trafficked into the sex industry in Juba and elsewhere in South Sudan, a senior government key informant from the Ministry of Gender and Child Welfare was mainly concerned

about the involvement of underage girls in the commercial sexual exploitation. The respondent attributes the surge in prostitution in Juba County and its surrounding areas to what she calls “the price of peace” that South Sudan is paying. The government official argues that

Child prostitution and transaction sex are new development in South Sudan; these are recent phenomena associated with the influx of ‘foreigners’ into the country following the opening up of South Sudan to the outside world. The relative peace is the main stimulant of all sorts of criminal activities we currently witness in the country. The post-war economy has so far attracted diverse forms of businesses, both legitimate and illegitimate since 2005<sup>108</sup>.

### **Factors influencing child trafficking in South Sudan**

Why is the child trafficking problem persistent in South Sudan? Various factors influence the vulnerability of children to trafficking into various forms of economic and non-economic exploitation. The increasing demand for children varies from trafficking for adoption, labour and commercial sexual exploitation in the emerging urban based prostitution industry, to participation in the ongoing armed conflicts in the region. The table below shows the frequency of responses of the respondents’ perceptions of the main factors influencing and inhibiting child trafficking in the research context.

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<sup>108</sup> Interview with SSMO<sub>1</sub> at the Ministry of Gender and Child Welfare headquarters in Juba, South Sudan, 9 June 2010.

**Table 6: Participants' perceptions of social determinants of children's vulnerability to trafficking in South Sudan**

<b>Perceived social determinants</b>	<b>Freq. of responses</b>	<b>Nature of influence</b>	<b>Explanatory notes</b>	<b>Exceptional circumstances</b>
Poverty	25	Facilitates	Poverty plays a significant role in trafficking vulnerability and contributes to other determinants.	Four key informants view poverty as a mitigating factor. They argued that: <ul style="list-style-type: none"> <li>• the lowest levels of poverty reduce other facilitating factors like migration and lack of formal education;</li> <li>• victims of trafficking come from various income levels; and,</li> <li>• poverty is not a direct cause of child trafficking in South Sudan.</li> </ul>
Political instability, civil unrest and conflicts	25	Facilitates	By its nature, political conflicts create vulnerabilities and drive other facilitating determinants like poverty, displacement and migration.	
Weak law and enforcement regimes	25	Facilitates	Very little enforcement of the existing laws has the potential to discourage and punish traffickers.	
Formal education	20	Mitigates	Illiteracy and low levels of education are common characteristics of victims of trafficking.	Five respondents suggest that formal education may facilitate trafficking:

				<ul style="list-style-type: none"> <li>• the least educated are not necessarily the most vulnerable;</li> <li>• formal education increases the level of vulnerability;</li> <li>• both educated and uneducated people are equally vulnerable.</li> </ul>
Trafficking ignorance	25	Facilitates	Poor understanding of trafficking risks especially among young people migrating for jobs enables manipulation by traffickers.	-
Gender discrimination	20	Facilitates	<p>Children, no matter their gender, are vulnerable to trafficking.</p> <p>Low value of women and girls in families and society facilitate their trafficking</p>	Five of the respondents note that gender can be mitigating depending upon age of the person. They note that pre-pubescent females are more vulnerable to trafficking than their male counterparts or females above 18 years.
Culture and tradition	14	Facilitates	Cultures which place lower value on women in families, society, and policy increase vulnerability among females.	<ul style="list-style-type: none"> <li>• Eleven participants suggest that the extended family system reduces child vulnerability (child fostering).</li> </ul>
Family dysfunction	13	Facilitates	Traffickers take advantage of dysfunctional families by targeting the vulnerable members of	-

			the households, especially women and children.	
Age	18	Facilitates	Extent of vulnerability varies greatly by gender and specific age groups. Fear of HIV/AIDS drives up demand for younger girls, the majority of whom are trafficked after puberty.	Two participants argue that age can be a mitigating factor: <ul style="list-style-type: none"> <li>• the more mature a person is the more s/he is able to assess and avoid risks associated with trafficking.</li> </ul>
Migration	16	Facilitates	Migration for any reasons puts vulnerable groups, especially women and children, at risk for manipulation by traffickers.	<ul style="list-style-type: none"> <li>• Nine participants view availability of safe migration information can also be considered a mitigating factor.</li> </ul>
Ethnicity	19	Facilitates	Marginalisation, lack of rights and/or citizenship status and proximity to borders make trafficking easier and more socially acceptable among ethnic minorities.	<ul style="list-style-type: none"> <li>• At least one of the respondents cites ethnicity as being irrelevant in influencing a child's vulnerability to trafficking.</li> </ul>
Border security	17	Facilitates	Open borders, relaxed enforcement, lack of document requirements, and corruption of border patrol agents all help traffickers and contribute to migrants' vulnerability.	<ul style="list-style-type: none"> <li>• Three of the respondents note that border monitoring can be negative if it denies victims their rights to travel independently. Another respondent argues that most times the repatriation cycle of victims increases their vulnerability.</li> </ul>

Globalisation	21	Facilitates	Encourages relaxed borders, unregulated labour, migration, and demand for cheap labour. Disrupts rural areas, displaces communities and individuals, promotes poverty, and strengthens international organised crimes operations.	<ul style="list-style-type: none"> <li>• Four respondents argue that the globalisation of counter-trafficking responses address the problem of human trafficking.</li> </ul>
Domestic violence	25	Facilitates	Considered a major risk factor because women and children are “looking to be rescued”. Domestic violence drives migration, isolation, and trust in traffickers. Not exclusive to a particular economic, education, ethnicity, statuses, etc.	
Marital status	25	Facilitates	For most victims who are single, marriage is considered a recruitment tool. Girls who marry young, elope, or are married to strangers because their parents cannot afford a dowry are at high risk. Widows, divorced, and abandoned women are also vulnerable.	
Virginity	25	Facilitates	Virgins are highly demanded due to various cultural beliefs and fear of AIDS. The sale of a virgin (by a trafficker or family) is perceived to be more profitable.	

Citizenship and documentation	25	Mitigate	Lack of citizenship has been noted as a significant risk factor. No citizenship means no rights of access to services, education, protection and often jobs. People for whom there is no proof of existence are easy to traffic.	
Maternal education	15	Mitigates	Low level of education or illiteracy of the mothers of the victims is a commonly cited characteristic. Maternal education seems to be more protective than paternal.	Five respondents disagree with the suggestion that maternal education is associated with decreased vulnerability to trafficking

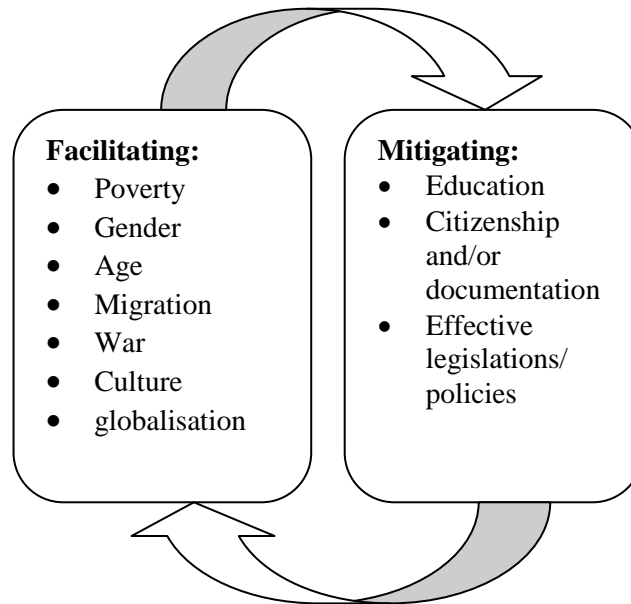


As the above table illustrates, all the respondents attributed the following social determinants as the main facilitators of child vulnerability to trafficking: poverty; political instability; weak law enforcement regimes; domestic violence; marital status; and ignorance of the danger of human trafficking. They also perceive other vulnerability factors influencing child trafficking to include the impact of HIV/AIDS<sup>109</sup> and other epidemic diseases, the dysfunctionality of families, age, migration, border security, culture and tradition, ethnicity and globalisation were perceived as some of the other factors influencing trafficking. However, the factors that mitigate against trafficking such as an individual level of education (traffickers target children who are out of school) and citizen registration (birth registration records facilitate victim identification). The factors which facilitate children's vulnerability to trafficking and inhibit the problem do not act in isolation – in most cases they interact. The interplay between the main facilitating and mitigating factors of child trafficking as illustrated in the figure below.

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<sup>109</sup> UNAIDS estimates that the number of orphans due to HIV/AIDS in South Sudan in 2012 ranges between 67,000 and 170,000. More statistics on the prevalence of HIV/AIDS are available from:  
<http://www.unaids.org/en/regionscountries/countries/southsudan/> (Accessed 13 July 2014).

**Figure 6: Interplay between the factors facilitating and mitigating child trafficking.**



In the section which follows, I categorise the main vulnerability factors facilitating child trafficking in the South Sudan into broad thematic areas – economic, political and social factors – and critically discuss of each of the factors.

### **Socio-economic factors influencing child trafficking**

Based on my field research (see table above), the phenomenon of child trafficking is inextricably a function of poverty, ignorance and rural/urban inequalities and gender parities. Socio-cultural and structural embedded inequalities such as age, gender, position in society (status) and power contribute to the complexity of the problem of trafficking. In the world of seemingly limitless list of economic factors, the demand for cheap labour

seems responsible for contributing to the demand for exploitation of the disadvantaged and vulnerable groups of people, mainly the young who get uprooted from the protection of their families, community and society.

Several social factors facilitate the exploitation of the disadvantaged group in South Sudan including the advent of new information and communication technologies, improved modes of transport, economic transition, poverty, high rate of unemployment, societal discrimination against some sections of the population, domestic violence, weak laws and ineffective law enforcement. Whereas all the diverse factors associated with economic needs are significant, economic poverty is primary.

Although several economic factors may influence children's vulnerability to trafficking in the country, conflict induced economic poverty constitutes one of the main facilitating factors. Poverty does not only have negative effects on the enjoyment of people's human rights – as stipulated in the preamble of the Universal Declaration of Human Rights 1948 (UDRH)<sup>110</sup> – but it also infringes on *freedom from want* (See the UN human rights mechanisms: the Commission of Human Rights, the Committee on Economic, Social and Cultural Rights<sup>111</sup> and the Independent Expert on

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<sup>110</sup> More details on the UN Universal Declaration of Human Rights, 1948 is available at: [http://www.un.org/events/humanrights/2007/hrphotos/declaration%20\\_eng.pdf](http://www.un.org/events/humanrights/2007/hrphotos/declaration%20_eng.pdf) (Accessed, 12 July 2012).

<sup>111</sup> The Committee on Economic, Social and Cultural Rights, a body consisting of independent experts, monitors how state parties implement the International Covenant on Economic, Social and Cultural Rights. Available from here: <http://www2.ohchr.org/english/bodies/cescr/> (Accessed, 12 July 2012).

Human Rights and Extreme Poverty<sup>112</sup> for more discussions) and *freedom from fear*. Poverty also hugely impacts people's socio-economic, political, civil and cultural rights including access to basic needs such as housing, medical services and education. Both *freedom from want* and *freedom from fear* are the main focus of human security discussed in Chapter 2 of the thesis.

Is poverty inherently the cause of child trafficking in South Sudan? Whilst poverty, in itself, cannot *cause* child trafficking, it is considered a baseline for determining children's vulnerability. A deeper analysis of the influence of poverty in facilitating child trafficking in a post-conflict context thus becomes relevant. Viewed differently, poverty alone may not make a child vulnerable to trafficking as other internal or external post-conflict factors interact to trigger and/or promote child vulnerability. Gender based discrimination which hinges on cultural norms and practices, for instance, is one of those factors.

South Sudan poverty level is directly linked to decades of civil wars. The 2011 World Bank's Global Poverty Report categorises South Sudan among one of the world's poorest nations. The fact that one in two people (51%) of the population lives below poverty (World Bank, 2011:3) is not surprising. The Report further suggests that nearly one-half of the entire population faces harsh general living conditions. The *Table* below adapted from the 2009 World Bank's analysis of South Sudan's National Baseline

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<sup>112</sup> The UN appoints independent experts on human rights and extreme poverty for a renewable period of three years. Available from: <http://www.ohchr.org/EN/Issues/Poverty/Pages/PovertyExpertIndexOld.aspx> (Accessed, 9 March 2011).

Household Survey (NBHS) illustrates that economic poverty is directly proportional to the literacy rate of the country. The least educated a person is the more affected s/he is by poverty.

**Table 7: Poverty estimates of South Sudan by education in 2009<sup>113</sup>**

Literacy level	Poverty level (%)
No Education	57
Some Primary	45
Primary Completed	24
Some/ Completed Secondary	27
Post-Secondary	11

Deep poverty facing many families in South Sudan acts as a catalyst to child trafficking in several ways. First, poverty places many people in circumstances in which alternative life options remain very thin. As the young and vulnerable migrate from areas with limited economic opportunities to other areas with perceived plentiful employment opportunities (such as urban areas, cities or other regions), their expectations are usually unmet. The more economic migrants' situations slide into destitution the more their vulnerabilities are exploited by criminal elements. The previous examples of trafficked foreigners duped by recruitment agency based in the region illustrate this point.

If adults entrapped in exploitative economic conditions find it hard to extricate themselves, it is even worse for children with comparatively

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<sup>113</sup> The statistics was adapted from World Bank analysis of South Sudan's National Baseline Household Survey (NBHS) 2009.

limited agency. No matter the age and gender of the trafficked individuals in Juba, economic and social deprivations render trafficked victims physically, legally and politically powerless to the extent that they fail to disentangle themselves from exploitation. The powerlessness is further exacerbated by fear of repercussions of 'unsafe' escape, especially due limited life options and viable safety nets to which trafficked victims could fall back. This view is corroborated in the trafficking literature which cites the inability or unwillingness of some victims of trafficking to leave their exploitative conditions (Cameron and Newman, 2008b). Yet to assume that all victims of exploitation are willing to be 'rescued' from their conditions may be erroneous. Evidence from the field data further shows that some of the vulnerable people involved in commercial sex industry would prefer to continue working in the exploitative context for lack of better life options even if they were to have liberty to leave or escape from prostitution rackets in Juba city. But it can be argued that the main motivation for vulnerable people to persevere working in exploitative conditions is economic. Thus, when the victims of economic exploitation are provided with alternative vibrant economic empowerment, their desire to continue working in unfavourable conditions will falter. Otherwise, as long as people working in dirty, dangerous, degrading jobs perceive that their current exploitative conditions as better-off than languishing in abject poverty in their previous economic statuses, they may continue with such work rather than face harsher survival realities. This view also reflects the reason why a young Kenyan lady sought the services of an employment

agency (cited earlier in the thesis) to travel to Juba, South Sudan to make 'quick' money.

In addition, the on-going conflict induced displacement and separation, orphanhood, physical disability and sporadic post-war instability, some of which were discussed in Chapter 3, are factors which exacerbate children's vulnerability and powerlessness in South Sudan. Theoretically, economic deprivation and need as a central driving force render children more prone to deception, coercion and exploitation. Csáky (2008:7) explains that some organisations target children, mainly orphans, separated and the vulnerable, because they are unable to seek any form of support from their community social networks and/or state authorities:

an orphan cannot say anything against her abuser because she has nothing...*[and cited a respondent who confirms that]* people do not report it because they are worried that the agency will stop working here, and we need them (Csáky, 2008:12).

Poverty also compels vulnerable populations to migrate in a bid to escape their predicaments. To some, the unfavourable economic conditions in the country are responsible for driving millions of South Sudanese away in a bid to seek economic refuge abroad. Desperation often forces people to seek the services of anybody, including human traffickers and smugglers, as long as they think such individuals are well placed to help them come out of their problems. Socio-economic, political hardships and instabilities which trigger population movement are not in any way unique to South Sudan context alone. Elsewhere, examples illustrating how economic

meltdowns trigger cross-border people movement (migration, smuggling or trafficking) in the world are legion. This is also supported in the literature where, for instance, many Polish groups trafficked in Western Europe were targeted by human smugglers and traffickers after the break-up of the Soviet Union in 1991. Vulnerable people from Central Europe were also trafficked into Eastern European States of Ukraine and the Russian federation during tough economic times. The trafficking trajectory from the global South to North is no exception, with victims originating from developing countries of Asia, Africa and Middle East to Europe and North America.

When the South Sudanese internally displaced persons (IDPs) and refugees returned to the country, they resettled in urban areas because socio-economic infrastructures in rural areas were inadequate. As the returnees rebuild their lives and cope with the post-conflict realities, new life challenges emerge as many families are deprived of access to agriculture, being the backbone of family subsistence. According to Cameron and Newman (2008b:23), economic challenges and deep poverty push destitute families to the margin and provoke them to explore alternative means of reducing family stress and costs. Some families may resort to sending their own children away to look for work to support their families or to fend for themselves. In the South Sudan context, the problem of street children involved in various forms of economic activities appear to relate more to the problem of economic poverty families encounter in South Sudan.



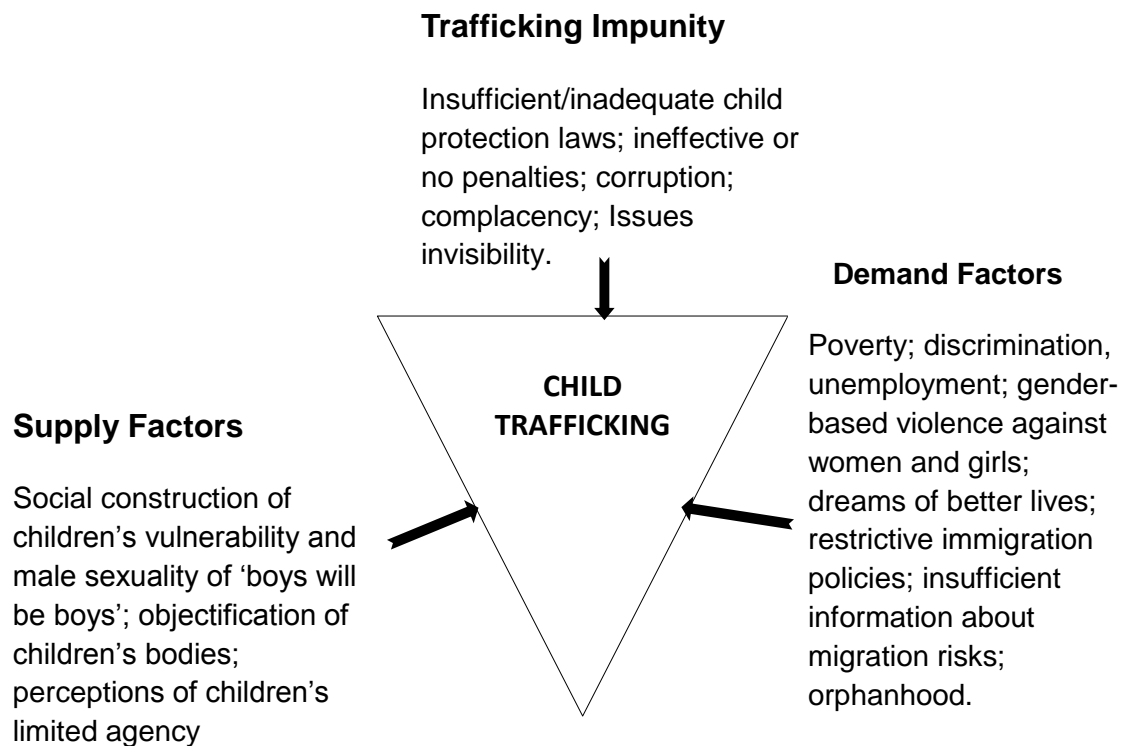
The break-up of Sudan into two nations has also contributed to some negative economic hardship in South Sudan. Controversies regarding currency reforms, sharing of the oil wealth, among other political factors resulted, *inter-alia*, into political and economic shocks immediately after South Sudan became independent. The economies of the two nations are heavily dependent on the oil sector and when the Government of South Sudan (GoSS) shut down the oil production in 2011 following a diplomatic row with Sudan, political and economic relations were severed. The stand-offs resulted into South Sudan budgetary compromise and reduction in 'non-essential' government expenditure thus impacting the poor and the disadvantaged heavily. The weakened national economy coupled with poor wages in the public sector provided a perfect condition for bureaucratic and political corrupt practices to thrive in the public service. The trafficking literature is corroborated by the evidence from my field research which confirms that corruption by state officials is one of the key factors facilitating cross-border trafficking (Danailova-Trainor and Laczko, 2010, Davidson, 2010, Egan, 2006).

Although economic factors as discussed above have significantly influenced people's vulnerabilities, it is the interplay of economic and other (demand and supply) factors which influence child vulnerability, and by extension, trafficking. Protracted civil wars contribute to poverty (through the collapse of the economic systems and bases) and poverty in turn also influences people's vulnerability. The Sudanese civil wars were the main factor which resulted in South Sudan sliding into deep economic poverty

(see analysis of the North-South civil wars in Chapter 3). However, the present economic vulnerability factors have been exacerbated by bad post-independence policies, corruption and the disruption of social capital and protection in the community. The combination of extreme negative economic conditions, aforementioned ongoing insecurity and the demand for exploitable labour continue to contribute to the South Sudanese children's susceptibility to trafficking.

Because the demand for children for exploitation has the ability to increase, regulate and control trafficking (Nair, 2011), the understanding of the link between demand, vulnerability and public awareness thus becomes significant. This is also due to the fact that unless children's vulnerabilities are compounded with the demand for the exploitation of their services, trafficking may hardly take place. Alison's concept of the 'trafficking triangle' helps to explain the linkages between demand, supply and impunity (illustrated in the figure below). The demand for exploiting children's services is a factor of both availability and supply of vulnerable children. Unlike on the supply side of the trafficking triangle where activities may be visible, the clandestine nature of 'impunity' and 'demand' factors makes them invisible and hard to detect.

**Figure 7: South Sudan child trafficking triangle**



Adopted from Phinney (2001:2).

The 'trafficking triangle' explains why there is high demand for young people in Juba, South Sudan and the propensity to exploit them. The people who exploit trafficked children are not necessarily their traffickers but those in the trafficking chain as corroborated by the field data on cross-border trafficking provided above. The exploitation of the weak and vulnerable seems to greatly mirror power and domination in the South Sudanese society where women and children have always been the main victims of exploitation.

On the supply side of the 'trafficking triangle', child traffickers and exploiters are inclined to exploit the destitution of children traumatised by

the legacy of armed conflicts. Traffickers use several means to recruit their victims, which vary from deception to physical and psychological coercion. Yet in the current South Sudan context legal norms meant to provide child protection are insufficient in the sense that their implementation is weak. Despite the existence of legal norms and frameworks at international, regional and national levels in the realm of child rights and human trafficking, the South Sudan political context still does not provide space for critical engagement with the problem of child trafficking. The official discourse considers and defines the problem with unitary definition as 'modern slavery'. This conceptualization has numbing legal repercussions as it undermines the question regarding the underlying causes of the demand for and vulnerability of the child. Yet this understanding may imply that other typologies of child trafficking in the post-conflict context may fail to fit within the unitary definition. Consequently, it blurs the focus of anti-trafficking interventions from holding those involved in the trafficking process and the end users of the victims to account for their acts and complicity.

Whereas the new South Sudan Child Act provides a significant legal step towards ensuring children rights, there are numerous challenges facing the country that undermine guaranteeing the safety and rights of the child some of which include, widespread impunity, bureaucratic corruption, scarce funding to finance counter-trafficking, insufficient counter-trafficking legislations and weak implementation regime of the existing legal frameworks. The existing laws prescribe penalties for the crime of child

trafficking but no convictions were made at the time of conducting this research.

Corruption can also contribute significantly to real or imaginary impunity of those in the human trafficking chain who collude with law enforcement officers by omission or commission. The 2010 global Corruption Perceptions Index (CPI) conducted by Transparency International (TI) ranked Sudan in the 172<sup>nd</sup> position out of the 178 countries surveyed, implying that corruption was perceived to be very pervasive in the country. In 2011, however, South Sudan was ranked as the most corrupt country in North Africa. In 2012 the Government of South Sudan complained of the loss of USD 4 billion<sup>114</sup> which was allegedly 'stolen' from state coffers. Whereas no hard evidence show that traffickers use corruption to bribe corrupt government officials to evade prosecution by the state, the extreme levels of corruption in South Sudan provide an ambience for human traffickers to collude with law enforcement officers. Evidence from the field data further corroborates the view that the phenomenon of child trafficking in South Sudan involves well-connected criminal syndicates that covertly collaborate with officers in the formal bureaucratic institutions and businesses. Although it can be argued that a government officer who unknowingly colludes with human traffickers may not primarily be

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<sup>114</sup> Various media outlets reportedly quoted the South Sudan President's fury with his government officials for the loss of up to \$4 billion dollars which were an accounted for in June 2012. In his letter, the President ordered the suspects to return the money in order to salvage the reputation of the world's newest nation. Some of the articles appeared in Reuters:<http://www.reuters.com/article/2012/06/04/us-southsudan-corruption-idUSBRE8530QI20120604>; BBC: <http://www.bbc.co.uk/news/world-africa-18326004>; The Guardian: <http://www.guardian.co.uk/world/2012/jun/05/south-sudan-president-accuses-officials-stealing>

responsible for the crime of trafficking in human beings, there is a general agreement that complicity, ability to turn a blind eye, inaction and reluctance to take stern measures to curb the problem indirectly or directly exacerbate trafficking.

The rapid rise in commercial sexual exploitation of children in brothels and makeshift structures in Juba County indicates that the law-enforcers through omission or commission reinforce impunity of the brothel owners. As highlighted elsewhere in the chapter, the complicity of the law enforcers may be due to their conflict of interests as my field data shows some of the officers actually own the brothels and lodges in Juba. Due to the covert and hidden nature of the sex industry, it is not easy to ascertain the scale of the problem associated with commercial sexual exploitation of children. But a substantial number of vulnerable children are exploited in various forms of labour on the streets and brothels in the city of Juba and its suburbs. There is more demand for young girls to work in transactional sex and other economic activities in the public places of entertainment (pubs, bars and lodging or karaoke clubs) than for the boys. Although child exploitation is common in other economic and non-economic sectors, the sex industry is more evident in Juba.

### **Political factors influencing child vulnerability**

Political instability is one of the vulnerability factors pervading South Sudan. Since 2005, the country has experienced enormous challenges of transition from war to peace, mostly gravitating around the process of

strengthening state institutions, democracy and the rule of law, providing adequate human security and consolidating peace, post-conflict recovery and development. Slow progress is recorded in the path of recovery from the civil war and in establishing long-term stability. The lack of progress has also meant that most conflict afflicted vulnerable population have continued to face the daunting challenges of socio-economic and political order in the country.

Prior to 2005, the socio-economic and political disparities between the North and South had reinforced the negative perceptions of the Southerners against the 'Northerners' as their 'common' enemies and vice versa. The perceived, imagined and constructed differences between the two regions of Sudan were the handiworks of political elites that made them bury the latent interpersonal, intra-state, South-South and North-North socio-economic and political differences in the quest for independence. The Southerners on their part advanced the ideology of socio-economic and political liberation. Whereas, they enjoyed a near universal support from all its divergent ethnic and political groups, the South-South 'solidarity' began to unfetter when the North-South war ended and the common 'enemy' was no more.

After 2005 Comprehensive Peace Agreement, pockets of sporadic armed conflicts in South Sudan added to the already complex political and security landscapes. The long-simmering and suppressed deep-rooted political grievances between various interest groups in South Sudan resurfaced prior to South Sudan becoming independent and immediately

after it became a sovereign state. Since then the internal conflicts<sup>115</sup> have continued to undermine the process of state-building and consolidation due to the fact that the capacity of the GoSS to contain the emerging conflicts is weak. The political and inter-ethnic conflicts have not only undermined the peace dividend and social cohesion, but they have widened inter-ethnic and political animosities. The spill over of some armed rebellions into South Sudan from the Darfur region, the Nuba Mountains and northern Uganda (the Lord's Resistance Army widely known for its notoriety in brutality, child abduction, child soldiering and forced sex slavery) have also contributed to the complex security architecture in South Sudan.

The fast escalation of the political disagreements between President Salva Kiir and his former Deputy, Riek Machar, which turned into an open armed conflict in December 2013, as discussed in Chapter 3, is an illustration of a significant paradigm shift in the reconstruction of *who* the new 'enemies' are in South Sudan. Jok (2014) asserts that the quick escalation of the conflict is a reflection of several unresolved historical issues of the South Sudanese liberation struggles. South Sudanese committed atrocities against each other during the wars of liberation but ever since the wars ended no form of accountability has been established. Without formal accountability and reconciliation, the gaping wounds in the

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<sup>115</sup> South Sudan has witnessed waves of armed rebellions fought by various militia groups such as the National Democratic Front led by Jack Deng, South Sudan Liberation Army (SSLA) led by Major General Peter Gatdet Yak and South Sudan Democratic Movement/Army (SSDM/A) which was led by George Athor Deng, among others. In December 2013, internal political rivalry between senior SPLM/A leadership culminated into a split between the SPLA/M, with once faction led by President Salva Kiir and the other is led by his former deputy, Dr. Riek Machar.



minds and heart of South Sudanese cannot heal. The fact that other interest groups, militias and paramilitaries that were part of the liberation struggles but were never consulted during the peace process that led to the signing of the comprehensive Peace Agreement was problematic.

As a result of the ongoing conflict between the SPLM/A factions, at least 10,000 people have died and many more are at risk of starvation and preventable diseases, up to one million people have been internally displaced and about 300,000 people displaced into the neighbouring countries of Uganda, Kenya, Sudan and Ethiopia<sup>116</sup>. The current armed conflicts challenge the general assumption once held that ending the North-South civil wars would eventually lead to peace, tranquillity, stability and normality in South Sudan.

The cessation of hostility failed to provide the sufficient conditions for guaranteeing human security, protecting human rights and preventing criminality in South Sudan. The relapse of South Sudan into armed conflicts and the persistent deteriorating security situations have greatly destabilised the population with many defenceless children becoming direct victims. Instead of feeling safe, the children in South Sudan are increasingly being victimised through killings, orphanhood, displacement and separation from their families, homelessness, and conscription into both sides of the belligerents. Conflict induced population displacement increases vulnerability of children as they face risk of exploitation and

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<sup>116</sup>See Sudan Tribune (2014). *Children brutally killed in South Sudan fighting: UNICEF*. April 19, 2014. Available at: <http://www.sudantribune.com/spip.php?article50714> (Accessed 01 May 201).

abuse by criminal elements, including human traffickers and smugglers. The South Sudan experience clearly illustrates that political factors are at the core of the conditions facilitating child rights violation, insecurity and vulnerability to trafficking.

### **Structural factors influencing child vulnerability**

There are fundamental structural factors within South Sudan which influence trafficking (see Table 6 above). Besides conflict induced poverty and political factors examined in the previous sections, South Sudan also faces high levels of unemployment and societal discrimination based on gender, age and class. Traffickers master the art of recruiting the vulnerable by manipulating the past and present family stress, shocks and tensions. It is important to recognise the implications of cultural variations, practices and perceptions and how they influence South Sudanese children's capacities and vulnerabilities to trafficking. Whereas psychologists attach great importance to environmental factors in influencing childhood development, in recent times emphasis has been placed on relational issues with family complexity, community dynamics, national and international socio-economic and political realities being the most obvious factors influencing children's physical and psychological needs. A child's growth and development is influenced by his/her immediate environments in which s/he lives, beginning from the family to the broader political and social stratifications. Micro and macro level processes, such as child neglect at the family level, discrimination in the community, political and economic oppressions at societal and

governmental levels or marked inequality at sub-national, national, regional and international levels greatly impact children's vulnerability with long-term consequences.

The understanding of child development in many societies in Sub-Saharan Africa is that of a social process considered in terms of acquiring basic life skills necessary for their survival in society. This understanding is not any different from the child rearing practices among indigenous communities in South Sudan. However, disparities still exist on the conceptualization of what constitutes a child, a child's capacities and vulnerabilities, and what they perceive as worthy or bad for a child. Children possess varying capacities and vulnerabilities across cultures and communities. It is argued that children do not derive their capacities and vulnerabilities from their ages or stages in development but rather they are determined, in part, by the socio-economic, political factors and child rearing practices which are context specific.

The United Nations Convention on the Rights of the Child (CRC) and South Sudan Child Act 2008 define childhood based on the criterion of age with its upper limit being 18 years yet diversity of childhoods based on its social and cultural construction exists in the country. The dual interpretations of childhood are also a source of legal and cultural tensions as progression from childhood to adulthood are not followed with much precision, as age is an approximate benchmark. Other than age, different cultural criteria used in demarcating childhood include milestones such as the time a child starts work, the period a child ends schooling,

commencement of puberty, betrothal and marriage. It implies that cultural criteria for demarcating childhood are not static: they vary by gender and age and by children's socio-economic statuses, which constitute public affirmation of the importance attached to the transitions that outweighs the universal age-based threshold.

In South Sudan, the age in which childhood ends is gendered with boys appearing to wait for physical maturity before they are recognized as men. This contrasts with the girls who enter womanhood at around the commencement of their puberty and through marriage. Yet, within a community and society, the existence of various social classes and children's economic and social roles also imply that they do reach adulthood at different times and ages. The various socio-cultural constructions of childhood therefore bring to question the universal conception with the threshold age of 18 years as a model for reference for child focused legislations. On the one hand it is argued that national legislations and policies adapted from the CRC is inclined to serve the interest of states for the purpose of controlling and constraining rather than for protecting the child. Yet on the other hand, socio-cultural and economic power within childhood and their distinctions by gender, various identities (ethnicity, religion) and personal characteristics make children from various cultures have varying competencies and vulnerabilities and also how they receive treatment. It is thus important to recognise that the vulnerability statuses of children play a significant role in child trafficking process.

Evidence presented in Chapter 3 of the thesis illustrates how South Sudan is a country of peoples of many ethnic identities. A combination of factors such as negative legacy of colonialism, political choices of the post-independent elites and civil wars entrenched ethnic divides and rivalries in the country. South Sudanese society is also predominantly patriarchal. The sums of all these issues play a significant role in defining social relations at interpersonal, family, community and societal levels. It is within this social context that child trafficking is a manifestation of the various forms of societal discrimination based on class, gender, race or ethnicity. South Sudan also suffers from 'racism' within its society and is regarded as a serious issue. Indeed, societal discrimination based on gender, tribe, race and cultural background have been at the heart of the various waves of conflicts, abduction, trafficking and enslavement of women and children during the civil wars fought in the 1980s. That legacy is manifest in post-conflict South Sudan as inter-ethnic victimization is commonplace.

Societal discrimination leads to the vulnerable people (those discriminated against) to resort to exploring other options for survival including seeking alternative economic empowerment and employment opportunities in the shadow economy. Such contexts compel the vulnerable to seek the services of human traffickers, the 'experts' in the shadow economy (Obokata, 2006:123). Deep-rooted, structural societal problems such as gender based discrimination often leave women with unequal economic opportunities compared to men. Consequently, feminisation of poverty

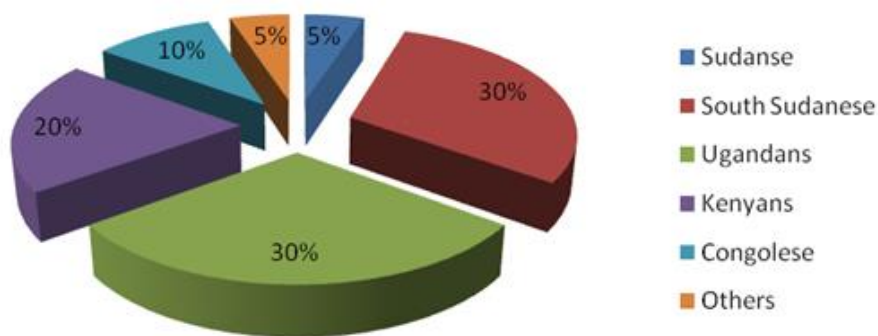
has forced many women and young girls to migrate from their communities to cities or abroad in search of better opportunities. Besides, domestic violence and early marriages are significant risks which have the potential of triggering vulnerability of the girl child to trafficking. A perspective of one of the elders from the Jonglei community confirms that some traditional practices in South Sudan still entrench gender based discrimination when he asks, “Our daughters are our only source of wealth. Where else do you expect me to get cows from?” (Odoki, 2013). Alongside societal discriminatory practices, the general failure of the government in protecting children's rights in the post-war era is considered another factor that is exacerbating the risk of trafficking of the people whose statuses in society are determined by traditional practices.

### **The analysis of the process, persistence, forms and patterns of child trafficking in South Sudan**

In seeking to address the research question pertaining to *what* child ‘trafficking’ entails in South Sudan, I explore perceptions of the respondents of the *process* and *typologies* of child trafficking. In chapter one, the thesis defines child trafficking as activities which involve the *movement* of the child, whether by force or not, for the purpose of *exploitation*. The research has so far found out that the source regions and countries of victims of trafficking vary considerably. Evidence from my field research data further reveals some peculiarities of the source regions/countries. Although nearly two-thirds (60%) of the interviewees suggested that South Sudan and Uganda jointly lead as the source

countries of child victims of trafficking, South Sudan is also a destination and transit country. One in five responses (20%) suggest Kenya follows as the next source country of human trafficking victims while at least one in ten response note that the Democratic Republic of Congo (DRC) is a source of a few children. In comparison to the other source countries mentioned above, Sudan, Ethiopia and the rest of the other countries are not significant source countries for victims of trafficking. The figure below summarises the respondents' perceptions which depict the variations among the various source countries described above.

**Figure 8: Profiles of victims of post-conflict child trafficking**



Source: Primary data.

Two main factors contribute to the significant number of child victims trafficked from Ugandan to South Sudan – abduction and conscription of children by the LRA rebel groups and, individual traffickers who recruit children either through deception or kidnap for economic motives. Traffickers also obtain children from Kenya and transfer them to South Sudan mainly for economic reasons. But how do traffickers recruit vulnerable children in South Sudan? The process through which

traffickers target and recruit children – either by lure or outright coercion – for exploitation in the shadow economy is what I refer to as the ‘modes of operation’. The following three modes of operations of child trafficking, though not exclusive, were perceived to be predominant in the research context: ‘reconnaissance’, ‘infiltration’ and ‘abduction’.

Reconnaissance is a method a trafficker uses to approach his/her prospective victims through conducting careful surveillance of the locations where vulnerable children can easily be found and recruited for trafficking. Evidence from my field research reveals that in Juba County, the most common places which criminals target are market places, bus and taxi terminals, places of public entertainment (bars, clubs and massage parlours) and streets. And the easiest way in which recruiters determine where a child lives is by secretly trailing them to the *payams*. After the preliminary surveillance during reconnaissance, the recruiters go into the neighbourhood of the *payams* to increase the prospects of encountering the children. This phase is called “infiltration”.

The main intention of traffickers at the infiltration phase is to initiate conversations with their targets without arousing any form of suspicion. After making successful contacts and developing friendships with their main targets, the children, the recruiters may extend the relation to the children’s families and friends. Extending familiarisation and friendship to their targets’ families is aimed at promoting the trafficker’s reputation, inculcating trust and minimising any form of suspicion. Once reputation is attained, the trafficker then slowly weans the children away from their



families or next of kin and friends through lure and bribes. It is argued that a bribe is a powerful tool that traffickers use for eliciting a dependency relationship between them and minors.

Because recruiters usually present themselves as supportive and caring, their acts usually appeal to the vulnerable children, mostly from disruptive families, child headed households and those without adult caregivers. Traffickers can also lure minors into illegal substance abuse (such as drinking of alcohol and smoking of drug) – a kind of permissive ‘pleasurable’ freedom and greater liberty that hitherto could not be provided to them by their families. It is through this process that minors unconsciously enter into an implicit secretive bonding relationship with the recruiters. It is also a means by which children can avoid reprimand from both their parents/guardians and law enforcement officers. At this point when a powerful bond and ultimate trust are cultivated, the recruiters lower the victim’s resistance and inhibitions through value replacement and finally traffic the children away.

The research respondents argue that the recruiters employ a variety of tactics ranging from false display of affection and rewards to outright threats and warning of the victims of future repercussion. There are three sources of threats facing victims of trafficking: the traffickers themselves; the victims’ parents or guardians and the law enforcement officers. These levels of manipulation of the victims of trafficking are aimed at making the children develop a feeling of guilt and responsibility for their predicaments. Some ambitious child recruiters widen their scope of exploitation by

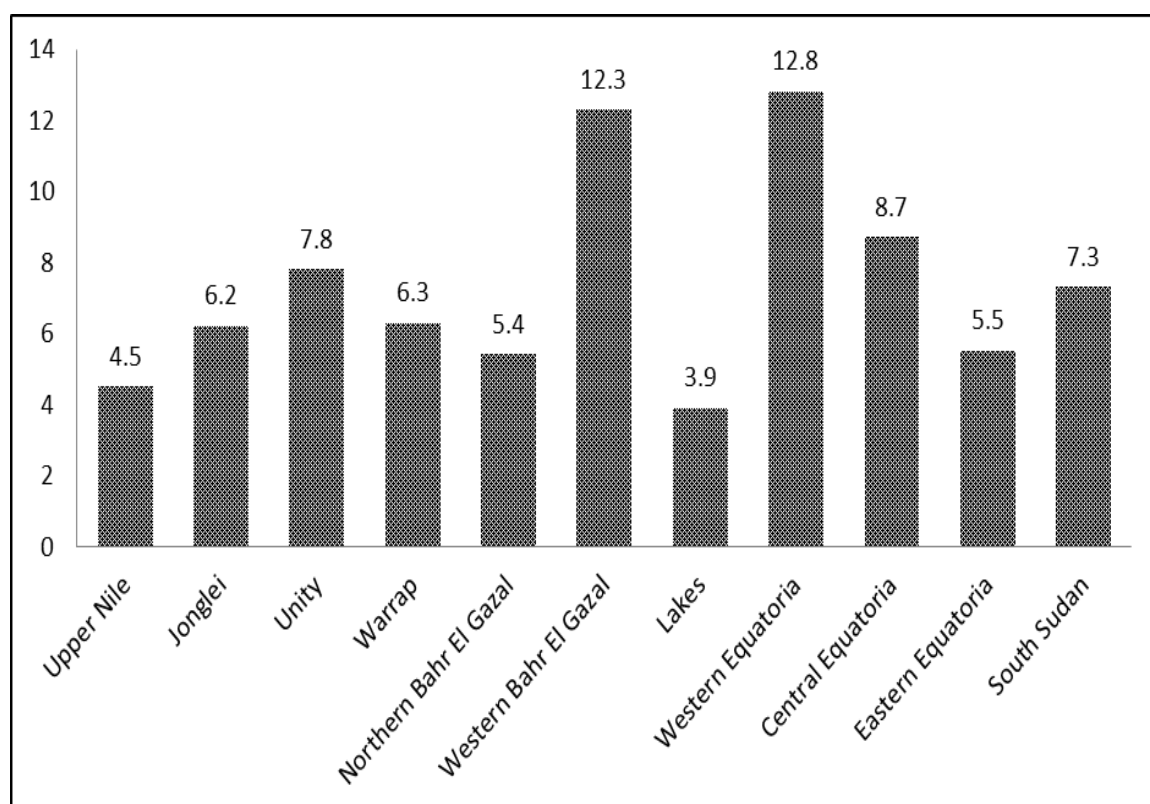
encouraging their victims to recruit their friends and acquaintances to 'join them in the fun'. The approach of using child recruiters, who are themselves victims of trafficking, is to lure children into commercial sexual exploitative activities.

Family structures are not entirely immune from the tactics that some of the recruiters use for targeting children in the country. Some families in South Sudan still cherish traditional practices of forced or arranged marriages, selling of babies and child abduction. The statistics from the Sudan's Household Survey of 2010 shows that 7.3 percent of South Sudanese women between the 15 – 49 years get married before their 15<sup>th</sup> birthday (see Figure 9 below). Amongst the states in South Sudan, the highest percentage of early marriages are reported in Western Equatorial and Western Bahr El Ghazal, with 12.8 percent and 12.3 percent respectively, while the Lakes (3.9%) and the Upper Nile (4.5%) are among the states with the least percentages of women who are married before their 15<sup>th</sup> birthdays. Furthermore, the Sudan Household Health indicator of 2006 shows that 16.7 percent of the girls marry before their 15<sup>th</sup> birthday while 45 percent entered into union before their 18<sup>th</sup> birthday<sup>117</sup>.

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<sup>117</sup> Source: The Republic of South Sudan: The Sudan Household Health Survey 2010. Available at: <http://www.southsudanembassydc.org/PDFs/others/SHHS%20II%20Report%20Final.pdf>, p.61 (Accessed, 12 March 2013).

**Figure 9: Percentage of women aged 15-49 married before their 15th birthday in South Sudan**



Source: The Sudan Household Health Survey 2010.

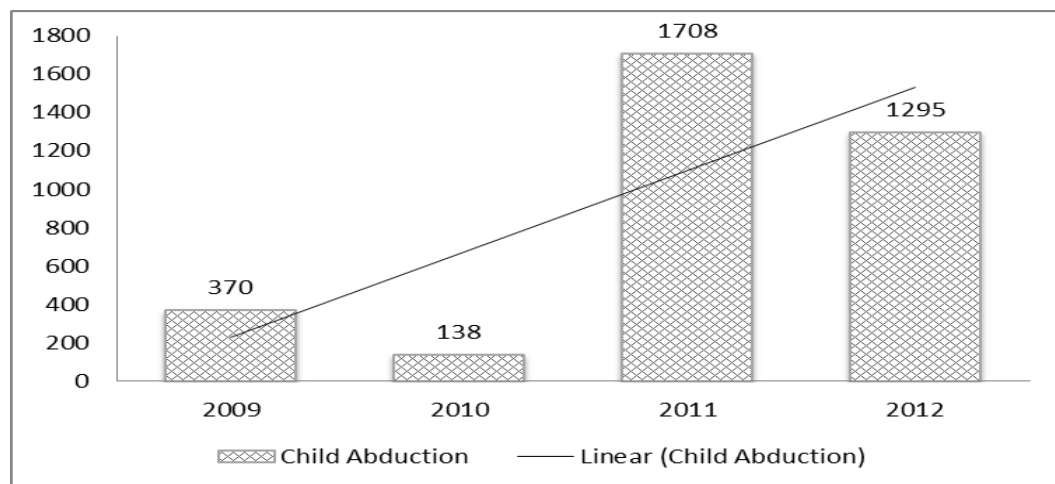
In addition to the early and forced marriages, the security and rights of the child in South Sudan is also undermined by child abduction. According to the Report of the United Nations High Commissioner for Human Rights on the Abduction of Children in Africa, abduction is

the removal, seizure, apprehension, taking custody, detention or capture of an individual temporarily or permanently by force, threat or deception for involvement in armed forces or armed groups, for participation in hostilities, for sexual slavery and forced labour (UN, 2006: 5).

Child abductors use their powers of ownership to reduce victims to conditions of vulnerability so that they can be exploited and abused. Although child abduction is not a new phenomenon in South Sudan, its perpetration by criminal elements from some tribal militias and rebel groups is problematic<sup>118</sup>.

Analysis of the available secondary data corroborates the view that child abduction in South Sudan has been increasing since 2009 (see figure below). The graph shows that child abduction reached its peak in 2011 when at least 1700 children were abducted and recorded the lowest level in 2010 with about 140 known cases reported.

**Figure 10: Analysis of the trend in child abduction in South Sudan from 2009-2012**



Source: Author

<sup>118</sup> The 2004 report of the UN International Commission of Inquiry on Darfur conducted in Tawila, North Darfur, and in Maallag, Mangarsa and Kanjew in West Darfur in 2004. This report incriminates the Janjaweed militias and government forces for abducting, confining and raping young girls and women. It also illustrates the link between armed conflicts, child abduction and impunity. For more information, see Cassese, A., Jilani, H., Ntsebeza, D. and Striggner-Scott, T. (2005) *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General* Geneva: UN. Available from: [http://www.un.org/news/dh/sudan/com\\_inq\\_darfur.pdf](http://www.un.org/news/dh/sudan/com_inq_darfur.pdf) (Accessed, 6 April 2014).

In the Jonglei State of South Sudan, the on-going phenomenon of abduction and exploitation of human beings is embedded within the complex security architecture of the region and the country as a whole. The United Nations Mission in South Sudan (UNMISS) suggests that,

The situation of abducted women and children remains one of serious concern. While a small number of abductees have been reunited with their families, it is assumed that a significant number remain with their captors (United Nations Mission in South Sudan, 2012: iii).

But who are the main actors involved in child trafficking in South Sudan? The section which follows will explore the perception of the respondents about child traffickers in the country against the available secondary data from the literature on South Sudan.

### **Profiles of child traffickers**

The question regarding who the child traffickers are in the South Sudan context generated the following categories of responses: local, regional and international actors. As the Figure below illustrates, the majority of the respondents suggest that the main actors in the trafficking of children are the various groups involved in armed rebellions (35%) in South Sudan and the region. The armed groups cited in the interviews include tribal militias (belonging to Nuer, Dinka and Murle ethnicities) especially from the States of Jonglei, Bahr el Ghazal, Upper Nile and Southern Kordofan and the various rebel movements fighting in the South Sudan, including

the LRA rebels from northern Uganda. The next category of actors is the business groups (20%) who directly benefit from the labour services of the victims of trafficking. The emergence and growth of illicit (brothels and child street work) and formal businesses in Juba were cited as the main economic activities that sustain the trafficking industry. A similar percentage of respondents (20%) consider some international ‘security’ actors as agents of child trafficking in the country. The respondents also noted that some individual opportunists, international civil society organisations and organised criminal groups are involved in perpetrating the problem in South Sudan.

**Figure 11: Perceptions of categories of child traffickers in South Sudan**



Source: Primary data.

## **Individuals and the family**

The process of child trafficking can even be more complex in the post-conflict context when relatives or family members are involved in its organisation. In the pretext of 'cost-sharing' during the transportation of children, complicit family members or relatives may end up being heavily indebted to the traffickers. The post-war economy disadvantages poor families from accessing credit facilities from financial institutions and as a result they mainly rely on informal social networks of friends, families and acquaintances, who are financially successful. Unfortunately, the reliance on the informal networks have hidden costs: there is danger associated with failure to repay funds borrowed through informal networks. Whenever families fail to repay their debts, they even become more vulnerable to threats, perceived or real, from the money lenders to the extent that the labour of their children is sometimes sacrificed in exchanged for the loans.

Like in many conservative societies in Sub-Saharan Africa, the children in South Sudan have historically been viewed as both assets and burdens. As assets, children are considered the future generation of family units and nations. Although regarded as somewhat incompetent to be cared for and protected by adult members of the family and society, children are also expected to play a role in providing for the family. In some parts of the world, however, criminals view children differently (as with other adults), human traffickers view them increasingly as commodities – 'things' that can be commercialised for making profits. Traffickers view children as commodities for a variety of commercial and non-commercial

reasons: adoption, sexual exploitation, healthy organ donation, forced labour exploitation, and ritual sacrifices. These acts, bereft of human qualities, are described as “child trafficking” (critically discussed in Chapter 2). Like consumer goods, children have become human cargos in that they are owned, used, exchanged, traded and then disposed (Bales, 1999 ).

### **Armed groups as child traffickers**

When South Sudan’s major wars with the North ended and it became an independent state, there were several issues which were unresolved. State contestations, political rivalries within the country, armed insurrections, economic discontent and ethnic divisions are among other factors which threaten the stability of the world’s newest country and heighten tensions among several interest groups in the country. State contestations and political tensions have oftentimes culminated into open armed conflicts, criminality and extremism, a symbiotic relationship between politics and crime that Roy Godson (2004) refers to as “political-criminal nexus”. Resource based conflicts between rival communities that often end up in raids and reprisal attacks have impacted on the instability of the community already traumatised by decades of civil wars and with weak social capital and support networks. Political instabilities, raids and abductions cause massive population displacement, homelessness and family separation and create additional unfavourable environments for child support and upbringing. The ambiances of vulnerability and desperation are what human traffickers and criminals look for to exploit.



Regardless of whether children willingly join the armed forces or not, the UN Human Trafficking Protocol regards children associated with armed conflict as victims of trafficking (Aronowitz, 2009:109). All the respondents cited the role of insurgents in South Sudan in recruiting children for exploitation either as sex slaves, forced labourers, child soldiers and human portages. It was unclear, however, whether child trafficking for sexual exploitation in South Sudan's contemporary armed conflicts is a new form of political violence with new techniques manifesting domination or it is a reproduction of old forms of domination which exists in the society but manifesting in a different form. Frequent recruitment of children in armed conflicts invokes some key questions: Is conflict-induced child trafficking mainly driven by economic motives? Why has conflict-induced child trafficking been on the rise in South Sudan since the end of the North-South civil wars? Addressing these questions constitutes an uphill task. Perhaps, it suggests that the growing attention to sexual violence meted on children in armed conflict may partly be a function of the shrinking taboos that discourages speaking out on sexual violence. The weak and fragile government of South Sudan even faces more problems emanating from the South Sudanese society itself – gender-based violence – which it needs to address. Whether the war-time impunity and exploitation of the disadvantaged members of the community are the factors influencing the existing post-conflict trafficking of children is an issue which requires further intellectual inquiry.

## **‘Organised’ crime groups and child trafficking**

Although the phenomenon of child abduction is prevalent in some states in South Sudan, most South Sudanese ‘casually’ deride the Murle ethnic<sup>119</sup> community as “the problem”. The respondents suggest that the phenomenon of child abduction that has been ongoing is most prolifically perpetrated by the Murle and Tobosa ethnic groups in Jonglei State. The general perception that the Murle has been child traffickers for a long time is corroborated by both the UN Security Council and the U.S. Department of State in its Trafficking in Persons Report, 2010. A respondent from a child focused international organisation operating in Juba was very critical of the claims incriminating an entire ethnic community for crimes committed by a few. He argues that the claims about the group’s involvement in child abduction could not be corroborated as no evidence supports the vilification of the entire ethnic group. In addition, a senior law enforcement official from the Government of South Sudan also questions the uncritical stance regarding the social construction of the problem of child trafficking in the country by various interest groups. The officer asserts that:

Organized crimes like that [*child trafficking*] cannot be attributed to a single tribe. It is a common activity in the cattle

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<sup>119</sup> The Murle is a minority ethnic group with a population of about 148,000 people.

camps ... although blames are always levied on the Murle ethnic groups, the claims are never proven<sup>120</sup>.

A key informant from UNICEF, South Sudan recommends that a further research be conducted in Jonglei state and Ngulgule (Njalgulgule) communities in Bahr el Ghazal state to provide an empirical understanding of the extent of the child trafficking problem in the two states.

The Murle ethnic groups is known to have a long history of trying to 'boost' their low population through acquiring children from rival ethnic groups, by force or through trade in minors. No concrete empirical evidence confirms the perception that the abduction and trafficking of women and children is purely a 'Murle problem'. It is further argued that the custom of abduction and commercialisation of children in the country and in the region dates back to several centuries. In spite of the respondents' claims that child abduction and trafficking by the Murle ethnic group is 'organized', the extent to which the acts of the child abductors are deemed 'organised' in the context of trafficking in persons appears problematic. From Webster's understanding of "organised crime" as a form of parasitic organisation with symbiotic relationship between the formal and the shadow economies discussed in Chapter 2, it is not clear whether the Murle's acts fit within the "organised crime" crime classification or simply it a "crime which is organised".

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<sup>120</sup> Interview with a senior Police officer, South Sudan Police Force, Juba South Sudan, June, 2010.

It is generally argued that the high demand for children among the Murle community is for domestic servitude as cattle-herders and as an alternative source of replenishing the 'small number' of the warrior community. It is generally undisputable that the culture of raids, abduction and cattle theft are part of the cultural practices viewed as valour and venerated among the Murle community<sup>121</sup>. Besides, the opportunity cost in cattle raids seems to be getting too high and risky for the raiders to execute. It implies that abduction, trafficking and commodification of children routinely exchanged for some few heads of cattle offer a 'safer' alternative to the risks armed raids present to the warriors.

Historically, the trade in children predominantly existed between the Dinka and the Murle ethnic communities. The Dinka would sell some of their children to the Murle ethnic groups in exchange for a few heads of cattle. The Dinka would target the following four categories of children for sale to the Murle: children born out of wed-lock (Ni Chonhaile, 2012: 7); a child from a family with "many" children; "children of incest" and abducted children. A recent literature on child abduction in South Sudan confirms the trade in children is ongoing in Pibor market in South Sudan in which the Dinka trades their children at ten heads of cows per child (Arensen, 2012: 9). In addition, it is argued that the Murle child buyers value the girl

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<sup>121</sup> Gurtong Trust - Peace and Media Project, Juba (2009) Community Profile: Murle. Available at: [http://www.gurtong.org/resourcecenter/people/profile\\_tribe.asp?TribeID=86](http://www.gurtong.org/resourcecenter/people/profile_tribe.asp?TribeID=86).

child more than the boy, with the former bought for at least 50 heads of cattle as future brides<sup>122</sup>.

But pertinent questions remain unanswered: What makes the 'bilateral' trade in children thrive between the Dinka and the Murle groups in the first place? And, why are the Murle specifically interested in the children from the Dinka ethnic community and not from any other communities? The Dinka's choice of selling "children of incest" and those born out of wedlock could be interpreted as a manifestation of discrimination based on the conservative value systems they hold for the child. Besides, the Murle's willingness to raise additional children was attributed to their comparatively low population as one respondent suggests:

Child abduction and trafficking has been reported in South Sudan, especially among the Murle and the Tobosa tribes. It is alleged that it exists because there is a sickness that causes infertility of their women<sup>123</sup>.

The perceived infertility of the Murle was a result of an outbreak of a sexually transmitted disease (syphilis) among the 'women' that went unnoticed for several years. However, the narrative incriminating a single gender (women) as the sole source of 'infertility' in a community is problematic and misleading. What is certain is that the syphilis epidemic which affected the Murle community in the 1950s and 1960s and impacted on their population was eventually contained by the World Health

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<sup>122</sup> Interview with KI<sub>1</sub>, Juba, South Sudan, 12 December 2010.

<sup>123</sup> Interview with KI<sub>3</sub>, Juba, South Sudan, 15 June 2010.

Organisation. Besides, some parents value having larger families and were keen to expand the sizes of their families through 'adopting' more children. Lastly, it is argued that there was a tendency among some Murle families to try and balance the sex ratio of their children. At present, health experts confirm that Murle's fertility is normal although others still suggest that the persistent abduction and trade in children is an indication that the problem of sterility could still be recurring among the Murle.

The trade in children between the Murle and the Dinka is not devoid of challenges. A senior government official argues the commercialisation of children it is responsible for the continued strained relations and complex security challenges between the ethnic communities:

After selling their children for a few heads for cattle to the Murle, the Dinka changes their minds claiming that their children were abducted and demand for them to be returned. Attempts to recover the children often led to violence and counter-violence between the two ethnic communities. Trading of children for cattle is at the core of the inter-tribal clashes between the two communities<sup>124</sup>.

Although child abduction has deep historical links as described above, in recent times the phenomenon has "increasingly become a weapon of war between the Murle and Luo Nuer tribes, perpetuating cycles of retaliatory violence" (Bor, 2012). The Director of Child Welfare in Jonglei

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<sup>124</sup> Interview conducted with SSGO<sub>1</sub> from Jonglei State, Juba, South Sudan in 9 December 2010.

state confirms that child abduction has become an enterprising activity where victims are divided up like food commodities for adoption.

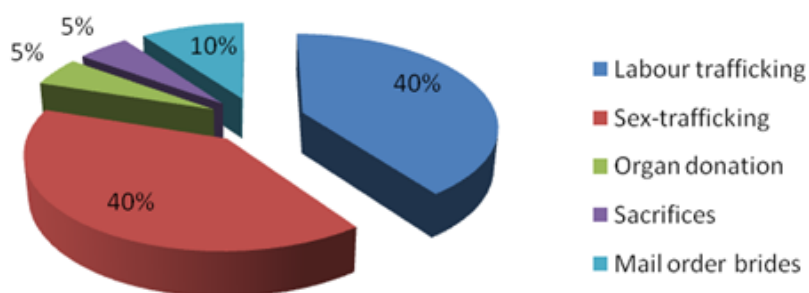
As inter-ethnic violence spirals and spreads to other communities in the region, the targets have also been expanding to include women. The main factor exacerbating the violent raids, abduction and trafficking of children is the proliferations of small arms and light weapons in the region. The advent of new technology – especially mobile phones, small arms and light weapons – add to the complexity of how coordinated raids heighten the phenomenon of human abduction in a scale that has previously never been witnessed. The sources of Murle's small arms remain unclear but unsubstantiated claim suggests that the Khartoum government was their principal source. The arms, alleged to have been transferred to the Murle during the North-South civil war, aided fighting the regime's proxy war with the Southern rebel groups.

Against the backdrop of child abductions and exploitation highlighted above, the phenomenon often provokes emotive retaliatory reactions between rival communities. In the next section, I explore the different public discourse on the typologies of child trafficking in South Sudan based on the analysis of extant texts and the primary data obtained during the study.

## Typologies of child trafficking

The following themes regarding the typologies of child trafficking emerged from the analysis of the field data: labour trafficking; sex trafficking; child sacrifices; mail order brides and trafficking for organ donations. The public perceptions suggest that the majority of the trafficked children are exploited in the labour industry and in commercial sexual exploitation, with each of them constituting 40% of the respondents' views (see Figure below). However, other categories of child trafficking did not received as much attention with 10% of the respondents citing child trafficking occurs for the purposes of marriage while 5% cited the typologies as organ trafficking and trafficking for child sacrifices.

**Figure 12: Respondents' perceptions of the main typologies of child trafficking in South Sudan.**



Source: Primary data.

In the following section, I analyse the two main forms of child trafficking cited in the primary data by considering them as the Worst Forms of Child



Labour<sup>125</sup> and categorise them into typologies. Each of the categories or typologies are analysed using various criteria such as the strategies that are used to procure the children, the goals of the traffickers, use of coercion or violence in targeting child victims of trafficking and the likely benefits that traffickers derive from their operations. In order to come up with the typologies of child trafficking, the opinions of the research participants were sought about what they thought the various forms of child trafficking are in South Sudan. The analyses are presented below.

### **Child labour trafficking**


According to the International Labour Organisation (ILO), child work is any activity that a child engages in, whether paid or unpaid, in formal or informal sector, for at least one hour in a week (ILO, 2006) and excludes the children who are unemployed or those who are seeking employment. These are economic activities which do not pose any harm to the child, which also conform to the two ILO Conventions: the Conventions on the Minimum Wage Convention 1973, C138, and the Worst Forms of Child Labour (WFCL), C182. In contrast, child labour is any form of economic activities which children perform and violate the labour Conventions and are harmful to the child. The ILO's C138 is widely cited as a comprehensive document on minimum age requirements for employment in the labour market. In its extreme form, economic activities that children perform and are perceived as dangerous to their general wellbeing and

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<sup>125</sup> Most of these are as per *Worst Forms of Child Labour Data report* at <http://www.globalmarch.org/worstformsreport/world/sudan.html> (Accessed 5 May 2009).

schooling constitute the Worst Forms of Child Labour (WFCL).<sup>126</sup> The Table below shows the linkages between child work, child labour and the Worst Form of Child Labour.

**Table 8: Interplay between child work, child labour and the Worst Form of Child Labour**

		
<b>Child work:</b>	<b>Child labour</b>	<b>Worst Forms of Child Labour</b>
<p>This is work that is:</p> <ul style="list-style-type: none"> <li>• Not bad for a child's health, schooling or development such as 'reasonable' domestic chores which do not interfere with a child's education.</li> </ul>	<p>This is work performed by a child that is:</p> <ul style="list-style-type: none"> <li>• Exploitative, hazardous or otherwise inappropriate for the child's age;</li> <li>• Detrimental to the child's schooling;</li> <li>• Detrimental to the child's social, physical, mental, spiritual or moral development.</li> </ul>	<p>Work that is very harmful to the child:</p> <p>They include:</p> <ul style="list-style-type: none"> <li>• Commercial sexual exploitation of children</li> <li>• Children used by adults to commit crime</li> <li>• Child trafficking</li> <li>• Very hazardous work.</li> </ul>

Adopted from ILO (2005).

The researcher observed a significant number of children who live and work on the streets of Juba city. Although the international regional and

<sup>126</sup> ILO (1999) *C182–Worst Forms of Child Labour Convention*. Available at: <http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm>

national legal frameworks (such as the ILO C182 and C138, the United Nations Convention on the Rights of the Child, the African Charter for the Rights and Welfare of the Child and the South Sudan Child Act) provide clear guidelines on child labour trafficking and emphasise the right of the child to protection from abuses, the problem of labour exploitation is still evident in South Sudan. Although the Ministry of Labour, Public Service and Human Resource Development of South Sudan is in-charge of investigating cases of child labour and taking appropriate action, enforcement of the legal provisions remained a major challenge at the time of conducting the research.

The activities which victims of labour trafficking engage in South Sudan are gendered. Boys engage in formal sectors such as in the transport industry and informal organizations including organised street gangs. In the transport sector, the researcher observed boys working as commuter taxi conductors (*senke/ touts*) while some operate informal criminal gangs which they refer to as *Niggars* or the “lost boys”. The “lost boys” are ardent street gangs or criminal informal organisations which recruit and employ other children in their shadow activities. Respondents attribute the rise of street gangs in Juba County to war trauma and associated military activities and dramatology of *Rambo* mentality. The “lost boys” have high affinity of dressing in military-looking fatigues, which they consider their symbol of identity, ‘power’ and ‘authority’. The girls in Juba County are mainly found in the booming commercial sexual industry in the city and its surroundings.

## **Child sex trafficking**

The ILO classifies commercial sexual exploitation of children as one of the Worst Forms of Child Labour (see ILO C182 described above). In 2013, Confident Children out of Conflict suggested that 31 per cent of 159 street girls are victims of commercial sexual exploitation. Foltyn (2014) suggests that the number of street children in Juba stands at about 3,000 with at least 500 girls believed to be engaging in prostitution<sup>127</sup>. The current estimates represent a significant increase in the number of children involved in the sex industry. But how is the rise in prostitution in Juba linked to sex trafficking? Who are the actors involved in child sex trafficking? Because sex trafficking is a clandestine activity, the data presented here represents perceptions of the respondents and the secondary data sources are cited to corroborate or critique the primary data and vice versa.

Besides the rebel organisations and paramilitary groups cited earlier as engaging in the abduction and use of mainly the girl child as sex slaves, formal security organisations have also been cited to be complicit in sex trafficking in South Sudan. In 2005, for instance, the UN peacekeepers in Sudan were accused of sexual abuse, rape and trafficking of girls (Csáky, 2008:6). Citing a male South Sudanese's story regarding sexual abuse by the UN peacekeepers, Csáky notes how some of the exploitation occurred. In his own word, the respondent cited by Csáky states that:

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<sup>127</sup> For more information see: Foltyn, S. (2014) South Sudan child prostitution on the rise. *Al Jazeera* [Electronic]. Available from: <http://www.aljazeera.com/indepth/features/2014/06/south-sudan-child-prostitution-rise-201462881543120146.html> (Accessed 29 June 2014).

Although the peacekeepers are not based here, they have abused girls here. They come here a few days at a time where they stay in a local compound. This compound is near to the water pump where everyone collects water. In the evening hours the peacekeepers come out and stand near to the water pump. Some of the girls from the village will come and collect water. The men call to the girls and they go with them into the compound. One of them became pregnant and then went missing. We still do not know where she is. This happened in 2007 (Csáky, 2008:6).

By using armed conflict and post-conflict situations as conduits for their suppressed sexual drive, men seem to reaffirm and reassert their patriarchal hierarchies. Besides, the breakdown of social institutions in conflicts seems to pave the way for increased violence against the vulnerable in society and also open gates for reasserting gender roles. Similarly, some socially 'marginalised' men exploit conflict and post-conflict situations and social instability to subvert traditional sexual hierarchies and acquire 'wives' through abduction and trafficking, which ordinarily they would not be able to have.

### **Implications of child trafficking**

Trafficking of children has far reaching implications. The trafficking process involves serious human rights concerns which victims face: traffickers subject their victims to physical, emotional and psychological

torture, coercion and degrading and inhumane treatment. Besides depriving the victims of their fundamental human rights, it also contributes to the social breakdown of the families and communities and in weakening of the entire society as a whole. The profits derived from the shadow economy can be used to facilitate organized criminality and political and bureaucratic corruption.

Children associated with armed forces face even more horrendous challenges as they are forced to become human portages, sex slaves (especially girls forced to be 'wives' of rebel commanders), human mine-detectors, spies at war frontlines and forced to commit atrocities against their communities as a means of 'military hardening'. Trafficking also undermines public health<sup>128</sup>. Young girl victims of sex trafficking are bred as sources of bride wealth (future brides) for the families of the traffickers or for the meeting the demand in prostitution industry, they face additional emotional and health risks when forced into early marriages. Child victims of sex trafficking bear specific brunt of negative health consequences, both physical and mental: they face increased risks of contracting sexually transmitted infections, including HIV/AIDS; fistula; cervical cancer and back problems. Besides, other negative psychological outcomes include anxiety, panic disorder, intense depression, substance abuse, eating disorder, self-guilt and shame.

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<sup>128</sup> Children are at greater physical health risks than adult in contracting sexually transmitted infections due to their level of vulnerability and because their body tissues are prone to damage. The effects of trafficking on mental health and emotional responses and behaviour are vast, and are dependent on the severity of exploitation that the children suffer. In Cambodia, for instance, an NGO claims as many as seventy percent of girls rescued from sex trafficking had HIV infections.

Child trafficking also deprives nations of human capital and promotes crimes. The effects of hazardous forms of labour in which some children are compelled to do are manifold. Besides compromising the children's rights to education and leisure, it also results in physical and psychological injuries. In the construction industry, for instance, physical injuries are common with children sustaining cuts, sprains and experiencing general fatigue after heavy work that do not befit their ages. The account of a 15-year-old boy employed in a metal workshop injured when a heavy metal fell on his foot and left him permanently disabled at the time of the research shows how forced labour on young people can become hazardous. The researcher observed some children under the age of 15 working in the transport sector as vehicle touts and motor cycle riders. The streets of Juba are narrow, have no traffic lights and are prone to accidents. Even in work that appears light, child labourers routinely face bullying from their colleagues or employers.

Minors trafficked for the purpose of labour and sexual exploitation are compelled to work for long hours, usually for their exploiters, sometimes without any pay. In addition, forced labour raises another issue of slavery. The conditions in which many victims of trafficking are held are usually inhumane. Cheating, harassment from law enforcement staff and the feelings of frustrations and dejection make some children to be emotionally and psychologically drained. The victims forced to work in the agricultural sector, for example, face exposure to various hazards such as agricultural chemicals which pose short-term and long-term health risks.

The young male South Sudanese children abducted during inter-tribal clashes between the pastoral communities and kept in cattle camps and raised as cattle herders suffer hard labour.

Abducted children often forced to travel long distances, usually on foot, suffer from exhaustion, dehydration and malnutrition. Long distance travelling leads to deterioration in health that may eventually result in loss of lives. Victims of abduction taken tribal communities face identity crises as some of their captures try to reconstruct their identities through putting tribal identity marks on them, often by cutting their skins with rudimentary instruments. The identity reconstruction process, too, has health consequences. When trafficked, confined and kept under close surveillance, victims are often deprived of freedoms to seek any form of assistance (legal or medical) for fear of retaliation from the traffickers, their exploiters or law enforcement officers.

In circumstances where traffickers resort to using threats and intimidation of retaliation to family members of the victims, both victims and their families face psychological damages. And where traditional ritual (voodoo) sacrifices and vows are used during the recruitment process, the relationship between the trafficker and the victims becomes even more complicated – the victims become more dependent on their traffickers for fear of retaliations. Threats used by traffickers for gaining more control and compliance over their victims and extorting ransom payments from their families cause long-term psychological damage to both the victims and derivative victims as discussed in the thesis. The examples discussed



above showed that the implications of child trafficking are vast and far reaching with long-term socio-economic, physical, psychological and emotional dimensions.

## **Conclusion**

In the chapter I analysed the prevailing perceptions regarding the problem of child trafficking in South Sudan being a source, transit and destination country of trafficking. The analysis was followed by the exploration of socio-economic, political and structural vulnerability factors which influence child trafficking, typologies of child trafficking and the various actors involved in the trafficking process. The chapter concluded with the examination of the implication of trafficking mainly to the child victims of trafficking.

The general picture of the research context manifests several vulnerability factors and indicators. Of the main indicators of vulnerability is economic inequality which manifests as poverty. The disparity between the haves and the have-nots implies that the latter are more vulnerable than the former. The higher the income gap between individuals, families or regions, the greater the economic deprivation and the greater is the vulnerability to economic exploitation.

The chapter also highlighted how the current political development in the country undermines the safety and security of the child. Particularly, it discussed how armed conflicts have been influencing children vulnerability in South Sudan. Political instabilities cause poverty and

poverty in turn creates vulnerabilities especially for children as they are targeted for exploitation in the labour and commercial sexual industries. The on-going insurgencies and inter-tribal clashes in and between some states are the main sources of insecurity in the country and have severe implications in terms of freedom from fear and freedom from want. Armed insurrections and tribal clashes has frequently led to population displacement, family separation, loss of lives and property, orphanhood or other related social delinquencies. As Una McCauley (2005:52-55) the Child Protection Officer for UNICEF South Sudan suggests, civil wars lead to a huge number of unaccompanied and separated children from their families or next of kin. Many separated children prefer to live away from their unsupportive family structures and are increasingly dependent on each other for support and comfort, other than from any adult figures.

The phenomenon of separated and missing children in conflict and post-conflict contexts, and the emerging categories of children who lose confidence in adult support suggest that there are systemic issues undermining child protection and care in South Sudan. This problem challenges the held assumptions, about the role of the state, non-state actors, community and parents/guardians in the upbringing of children. The existence of separated children in the country also signals the extent of their vulnerability to manipulation. Yet the inability of the government of South Sudan to provide adequate security and exert its control over illicit activities in the shadow economy adds to the complexity of children vulnerability.

The chapter also examined social determinants of vulnerability of children to trafficking including harmful cultural practices; gender based discrimination; dysfunctional families; and illiteracy. Discriminatory practices and archaic cultural practices (such as child marriages), domestic and gender based violence reinforced by war-time culture of violence, among others factors, contribute significantly to the vulnerability conditions of disadvantaged children. The lack of trust in the adult population due to their inaction, complicity or inability to provide protection to the vulnerable lead children to have a tendency of delinking themselves from unsupportive families or communities as they increasingly perceive adults as their main source of their vulnerabilities and insecurity.

The global rating of literacy standards depicts South Sudan as having one of the lowest levels of literacy in the world and rated as low as 27 percent (CIA, 2012). The inadequacy of educational infrastructure impacts the education cycle of the children in the country. The Government of South Sudan acknowledges that there are limited protection mechanisms for the children and that the challenges facing the education system in the country are enormous. This partly explains why there are many school drop-outs, with only 26.8 percent of the children aged between 15-18 years are retained in school (GoSS, 2009:71). It is mainly the out-school children who are frequently targeted by criminally minded exploiters and traffickers.

The various determinants of vulnerability highlighted in the chapter also show how the demand and supply dynamics function in post-liberation

South Sudan. It also offers illustrations of how the demand for children is linked to their vulnerabilities. The conceptualization of how both demand and supply factors influence, reinforce or trigger children's vulnerability to trafficking constituted an essential part of the analysis of how child trafficking operates in the research context.

The chapter contends that child trafficking and exploitation undermine the trust that vulnerable children should have in adults as both their caregivers and enforcers of their freedom from fear and freedom from want. Adults are part of the problem that make children increasingly vulnerable to trafficking and abuse. The research data shows that adults are responsible for the socio-economic woes and political instabilities in South Sudan. Wars waged by adults result in child displacement, orphanhood, separation, homelessness and conscription into fighting adult wars. Some adults also exploit children in the commercial sex industry for economic reasons and pleasure, while others trafficked them for their cheap and malleable labour, adoption, or ritual sacrifices. Adults make laws meant to protect the rights of the child and yet often fail to implement them or to guarantee their security and safety as the most vulnerable members of the community. As a result of the lack of guaranteeing the protection of children's rights, victims of trafficking suffer huge long-term physical and psychological consequences.

## **CHAPTER 5**

### **ANTI-TRAFFICKING GOVERNANCE IN SOUTH SUDAN**

#### **Introduction**

This chapter examines how the problem of child trafficking in South Sudan has been framed within the policy field. It asks how and where the ‘problem’ of child trafficking has been produced and reproduced in the formal political and expressive discourses, which voices are permissible and what discourses are silenced regarding counter-trafficking governance. It also analyses whether the international human trafficking norms have been incorporated into the national legislations, the operationalisation of anti-trafficking policies and their implications on the child’s freedom from fear and freedom from want in South Sudan.

The chapter notes that following South Sudan’s independence in July 2011, it inherited one of the weakest border and migration management regimes, the border and migration management regimes which suffer from chronic dysfunctional capacity issues including lack of infrastructure, policies and processes with significant impact on the country’s national and regional security goals.

The following main arguments are presented in the chapter. First, I argue that the discourse on child trafficking has been an emotive, controversial and always a negotiated terrain reflected in the tension between the international and local norms in South Sudan. The tensions between the

legal norm and traditional practices undermine the efficacy of the legal instruments for protecting children in South Sudan. The absence of functional legal infrastructures and inadequate preventive measures and efforts to eliminate child trafficking in conflict and post-conflict contexts are implied in the small number of trafficking victims rescued and no prosecution cases recorded. Child trafficking in South Sudan has similarity with war-time criminality and impunity where perpetrators exploit the inadequacies of the rule of law resulting from the breakdown in governance structures and systems and African traditional practices of fostering children within the extended family system.

The growth in business opportunities particularly in most urban centres in the post-conflict South Sudan provides an ambience for exploitation of vulnerable people especially young people. The chapter argues that the trafficking of children in the research context contrasts sharply with the assumption that conflict and post-conflict contexts are usually unattractive destinations for victims of trafficking and mainly constitute source regions for cross-border and/or international trafficking.

Drawing on the international counter-trafficking normative frameworks, the chapter notes that although the international community has been renewing its commitment in the fight against human trafficking at the global and regional levels, it failed the children of South Sudan. The failure is a result of a combination of factors including inadequate counter-trafficking infrastructures, lack of political will, inadequate resources and complicity of counter-trafficking actors.

## The current state of anti-trafficking governance in South Sudan

The United States Department of State reaffirms in its 2012<sup>129</sup>, 2013<sup>130</sup> and 2014<sup>131</sup> Trafficking in Persons (TiP) reports that human trafficking has continued to be a growing problem in South Sudan – a country it classifies under its Tier 2 Watch List<sup>132</sup>. Although the reports cite labour and sex trafficking of mainly women and children as two predominant forms of human trafficking in the country, they do not provide empirical evidence distinguishing sex trafficking from commercial sexual exploitation of children which occur in major urban areas in South Sudan. In the 2012 report, TiP asserts that,

South Sudanese girls, some as young as 10 years old, engage in prostitution within the country – including in restaurants, hotels, and brothels – at times with the assistance of third parties, including law enforcement officials; the majority of victims are exploited in urban centers such as Juba, Torit, and Wau (United States Department of State, 2012).

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<sup>129</sup> For more details, see: United States Department of State, *2012 Trafficking in Persons Report - South Sudan*, 19 June 2012, available from: <http://www.unhcr.org/refworld/docid/4fe30c953c.html> (Accessed 29 July 2012).

<sup>130</sup> The full report is available from <http://www.refworld.org/docid/51c2f38c18.html> (Accessed, 13 May 2014).

<sup>131</sup> The 2014 TiP for South Sudan is available from <http://www.combonisouthsudan.org/index.php/726-trafficking-in-persons-in-south-sudan-report-2014-us-state-government> (Accessed, 20 July 2014).

<sup>132</sup> The US Department of State Trafficking in Person report classifies South Sudan under its Tier 2 Watch List. It uses Trafficked Victims Protection Act's (TVPA) minimum standards to assess countries for their compliance. Countries which fall under Tier 2 Watch List category are those which do not fully comply with TVPA's minimum standards but do make significant efforts to comply. TiP further provides evidence for South Sudan that shows severity and increase in the phenomenon, failure to combat severe forms of trafficking in persons and its determination to comply with TVPA's minimum standards. For more details of definitions and methodology, see US Department of State Trafficking in Persons Report 2012, available from <http://www.state.gov/j/tip/rls/tiprpt/2012/192352.htm> (Accessed, 8 March 2014).

Besides sex and labour trafficking, other forms of child trafficking occur in South Sudan (as already discussed in Chapter 4). But how is South Sudan addressing the problem of child trafficking? An overview of the legal frameworks provides an insight into how the issue is being addressed. Prior to South Sudan's independence in 2011, Sudan had ratified and enacted the following key child-focused international legal norms into its domestic legislations, which applied to Southern Sudan: the United Nations Convention on the Rights of the Child (UN CRC), ratified on 3 August 1990<sup>133</sup>; The African Charter for the Rights and Welfare of the Child (ACRWC) ratified on 30<sup>th</sup> July 2005; and, The Child Act 2008 enacted into law and endorsed in 2010. Sudan also set up the National Council for Child Welfare (NCCW)<sup>134</sup> in 1991. Upon becoming an independent state, the international obligations which Sudan ratified ceased to apply to the Republic of South Sudan.

Although South Sudan undertook some measures to ensure that international norms are incorporated into its national legislations, there are concerns regarding the lack of actions to operationalise anti-trafficking legislations in the country. At the time of conducting this research, South Sudan was not yet party to the 2000 UN Human Trafficking Protocol. On 29 April 2012, South Sudan ratified seven ILO Conventions including the

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<sup>133</sup> Sudan has also made efforts to improve its domestic legal norms so that they are in harmony with international standards and developed child protection mechanisms for creating an enabling environment for children. It also ratified the amendments of the UNCRC on 9 April 2001. Besides, Sudan also became a party to the two optional Protocols to the UNCRC – the Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography and the other, on the Involvement of Children in Armed Conflict, which it ratified on 2<sup>nd</sup> November 2004 and 26<sup>th</sup> July 2005 respectively.

<sup>134</sup> The National Council for Child Welfare was set up in 1991 whose tasks were planning, coordinating and following up matters pertaining to children rights in the country.



Minimum Age Convention, 1973 (No.138) and the Worst Forms of Child Labour Convention, 1999 (No.182) considered a major step towards its commitment to the international human rights norms applicable to the child.

At the national level, the legal provisions in the South Sudan Penal Code 2003 which relate to human trafficking are those that criminalise abduction kidnap and forced labour. The Penal Code 2003 prohibits commodification, exploitation, trafficking or disposal of persons and spells out severe punishments for offenders. Section 310 of the Penal Code spells out that,

Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person with the intent that such person shall be employed or used for any unlawful or immoral purpose or knowing it to be likely that such person will be employed or used for any such purpose, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding fourteen years and may also be liable to fine and forfeiture of properties (The Penal Code, 2003:84).

Furthermore, section 315(A) of the Code of 'New Sudan', a name synonymous to the current region constituting the Republic of South Sudan, is specific on the act of trafficking, noting that:

Whoever procures, entices or leads away, even with his consent, any person for immoral purposes to be carried outside

the New Sudan, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding seven years and may also be liable to fine (The Penal Code, 2003:85).

Related to the formal political discourse, the transitional constitution of South Sudan abolishes and criminalises all sorts of societal discrimination, child abuse and child marriage, all of which are punishable in accordance with the provisions in the law. Besides, the South Sudan Child Act 2008 criminalises child abduction. The Act defines child abduction as the “means to compel by force, by any deceitful means, or otherwise induce any child to go from any place to another without proper consent”<sup>135</sup>.

Article 17 (1) of the Transitional Constitution of South Sudan clearly states that every child has the right:

- (a) to life, survival and development;
- (b) to a name and nationality;
- (c) to know and be cared for by his or her parents or legal guardian;
- (d) not to be subjected to exploitative practices or abuse, nor to be required to serve in the army nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;

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<sup>135</sup> Government of Southern Sudan (2008) *Child Act, 2008 (Southern Sudan)*, Available from: <http://www.unhcr.org/refworld/docid/49ed840c2.html> p.12 (Accessed, 13 October 2008).

(e) to be free from any form of discrimination;

(f) to be free from corporal punishment and cruel and inhuman treatment by any person including parents, school administrations and other institutions;

(g) not to be subjected to negative and harmful cultural practices which affect his or her health, welfare or dignity; and (h) to be protected from abduction and trafficking<sup>136</sup>.

Although some provisions in the domestic legislations highlighted above spell out the danger related to child trafficking, some are not very specific on how the problem of child trafficking can be addressed. Scholars also contend that the international legal norms for child protection are uncoordinated and ineffective (Kangaspunta, 2010, Laczko, 2005a, Lange, 2011, United Nations Office on Drugs and Crime, 2006, Scarpa, 2005, Omelaniuk, 2005). The dilemma in effective coordination of international legal norms partly explains why South Sudan is also unable to be effective in ensuring that the rights and safety of the child are guaranteed. South Sudan has not also yet ratified key international and regional child rights instruments and incorporated their relevant provisions into the national legislations. It can also be argued that the persistence of the problem of child trafficking reflects the challenge of effective coordination of international legal frameworks for child protection on the

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<sup>136</sup> Government of South Sudan (2011) The Transitional Constitution of the Republic of South Sudan, 2011 Available from: <http://www.goss.org/docs/Transitional%20Constitution%20of%20South%20Sudan.pdf>, pp.5-6 (Accessed, 11 April 2014).

one hand and the lack of political will at the national level on the other hand. The fact that South Sudan had not yet ratified the UN Human Trafficking Protocol by the time of conducting this research suggests that the focus of the national legislations fail to effectively reflect the international legal aspirations on child protection from freedom from fear and freedom from want. Besides, the international understanding of child and childhood to refer to persons under the age of 18 years conflict with the practical realities in non-western societies including South Sudan. This is because childhood in Africa is not determined by age; rather, it is socially and culturally determined making the age based criteria unreliable and irrelevant in most of Africa.

Nevertheless, the international child rights regime was the cornerstone for the South Sudan Child Act. The promulgation of the Act is considered a significant positive leap towards strengthening relevant national child rights legislations which would offer protection to the child from all forms of vulnerabilities to abuse and exploitation and trafficking.

### **Formal political discourse on child trafficking**

There are various ways in which the problem of child trafficking is referred to in the formal public discourse. Analysis of the publicly available Government of South Sudan documents and formal communications reveal the following common themes which make reference to the problem of child trafficking: 'transactional sex', 'commercial sexual exploitation' or 'forced marriages'; 'child labour trafficking'; child 'adoption';

‘victimization’ of trafficked children; socio-economic and political ‘vulnerability’. After searching for recurrent themes and similar categories from the data, I noted that themes such as ‘criminality’, ‘abduction’, ‘sex trafficking’ or ‘prostitution’, ‘labour trafficking’, ‘adoption’ or ‘victims’ appeared in the texts and interview data and were used to describe how child trafficking manifests and the various responses used to address the problem. The themes that appeared in the texts and statements pertaining to the description of the problem may be categorised broadly into cause, manifestation and implications of the problem of child trafficking.

I also explored how the problem of child trafficking is defined in the political discourse; how the problem manifests in the post-conflict context and the processes involved; and, the actions designed to contain, redress or abate the problem. Furthermore, I critically examined the political discourse at macro, meso and micro levels. At the macro level, I analysed possible societal factors and processes which explain child vulnerability to trafficking at the national level and how they are governed. The meso level analysis focused on understanding ways of addressing vulnerability factors present at the community and family levels. Finally, the implication of the problem definition and explanation at the individual level and how the problem could be addressed constituted micro level analyses.

All the analyses are based on the understanding of the problem of child trafficking – how it is defined and the factors which influence it in the post-conflict context; the manifestation of the problem of child trafficking (processes involved); and the measures undertaken to address the

problem. In addition, the analysis also covered the implications of trafficking to the victims (at individual levels – this covered push and pull factors such as separated children, orphanhood, etc.), family and community levels (in terms of factors that trigger the phenomenon in the community – family violence, poverty, etc.) and at the societal level (the legacy of armed conflicts, economic poverty, organized crimes, political instability, etc.).

The extant literature and texts show that the central theme in the public discourse regarding the problem of child trafficking in post-conflict South Sudan centres around criminality and strategies designed to counter them. The horizons of the criminal activities span from individual and societal to the national levels. The analysis of the communications – texts and interview transcripts showed that the reference to the act of trafficking as a criminal activity was the most recurrent of all the themes and criminal justice systems were suggested as the most appropriate response mechanisms for addressing the problem. The criminal lens used in conceptualising the problem of child trafficking has been depicted in the sub-themes which view child trafficking from the following lenses: a crime; a violation of children's rights; commercial sexual exploitation; abduction for forced labour; trafficking for ritual sacrifices and cannibalism<sup>137</sup>.

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<sup>137</sup> Although it is a rare occurrence in South Sudan, there are some individuals who carry out the acts of cannibalism in the country. In 2009, a woman was arrested in Juba by the law enforcement officers because of after a tip of that she was involved in the act in Konyo-Konyo market. See more information from: <http://unknownmisandry.blogspot.co.uk/2011/10/a-south-sudanese-cannibal-mother-named.html> (Accessed, 12 May 2013).

Within the formal political discourse, the use of words and phrases such as ‘crime’, ‘criminal’, ‘offence’, ‘incriminate’, ‘organised crime’, ‘abduction’, ‘violence’, ‘raids’ in describing child trafficking in South Sudan indicate that the general understanding of the problem is that it is mainly driven by criminal motives of the traffickers. To illustrate how the problem is depicted in formal discourse, section 315 (A) of the Penal Code of South Sudan states that,

[W]hoever procures, entices or leads away, even with his consent, any person for immoral purposes ... commits an *offence [emphasis added]* and shall on conviction, be punished with an imprisonment (The Penal Code, 2003:85).

South Sudan’s President Salva Kiir framed child abduction and trafficking as criminality. In his own words, the President notes that:

The people who abducted these children are the Murle, also in Jonglei State. They are the neighbours. This is an exercise that has been on for a very long time. That the Murle will come to Dinkaland or they go to Lou Nuerland or they go to the Anyuak, or they go to Toposaland to take the children and come and adopt them as their children. It is not enslavement except that they take them by force. Because there is a problem in Murleland there is infertility of the people; they don’t produce the way others are producing. If this problem is to be resolved once and for good, we need a big hospital in their town of Pibor town

... with specialist doctors to find out what sorts of venereal diseases that these people have so that they are treated to bear their own children. The Murle would want to go and grab, kill the parents and take the children<sup>138</sup>.

The President's view about the problem reinforces the understanding of trafficking in children as an economic crime – a crime of slavery which requires criminal justice response. The President suggests that a two-pronged approach is required for eliminating the vice from the community: diplomacy and confrontation of the problem using military solution:

Well, for them [Murle], they think it is not slavery, we know it is slavery if you take somebody's child by force. It happened between the Missirya and the Dinka. ... we have now sent in a force for disarmament; as they were being used by the government of Sudan as militias during the war and he [the President of Sudan] has armed them properly ... We have agreed with their leaders that the army should not use force ... the leaders should be given the chance to talk to the youth to surrender the guns without using force ... if they fail, we shall use force ... it will result into the casualties. Either I leave them with the gun and they terrorise the rest of the people or I crush

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<sup>138</sup> An interview with Jack Rice, a journalist and former officer with the Central Intelligence Agency (CIA), with President of South Sudan in 2008. Available at: <http://www.youtube.com/watch?v=3kfBkJtUpY>.



them to liberate the other people from being attacked by the Murle people<sup>139</sup>.

President Salva Kiir also acknowledges that the main challenges facing his Government hinge on how to establish effective governance structures from 'scratch', starting from the top with the legislative assembly in all the ten states in the country to the local levels and to ensure national stability.

Sex trafficking of minors (discussed in details in Chapter 4) constitutes one of trafficking related criminal offences in the law of South Sudan. According to the research conducted in South Sudan by the Refugee Studies Centre at Oxford University<sup>140</sup> in 2005, most of the children separated from their families due to civil wars, are increasingly more dependent on each other than adults for their livelihoods as adult caregivers are absent in their lives. With the children's population in South Sudan making up 53% of the total population and many of them homeless, their vulnerability to recruitment, abduction and sexual exploitation have become significant. During armed conflicts, children separate from their parents as they flee the rebellions when left behind or when they are abducted by the military or when they return from internal displacement and refugee camps. The high number of South Sudan 'returnees' after 2005 exerted a lot of pressure on family and government resources, and the coping mechanisms for many of them as they rebuilt

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<sup>139</sup> See full interviews on YouTube link posted by jackrice221 on 27 March 2008. Available at: <http://www.youtube.com/watch?v=3kfBkJtUpY>.

<sup>140</sup> Refugee Studies Centre, Oxford University (RSC) <http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/DPAS-6JNK8C?OpenDocument> (Accessed, 11 October 2009).

their lives. For the separated and those children living on their own, they were mainly perceived to be an unwelcome burden with the weight of responsibilities falling almost entirely on women members of the households.<sup>141</sup> The growing service and entertainment industries in urban areas have however, been avenues through which the owners exploit the cheap and malleable labour of such vulnerable children.

Commercial sexual exploitation is outlawed in South Sudan. The ILO's C182 considered sex trafficking of minors as one of the 'Worst Forms of Child Labour' as it involves "the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances"<sup>142</sup> (see Chapter 4 of the thesis). In line with the international legislations governing children's rights to protection, the South Sudan Child Act 2008 is explicit on commercial sexual exploitation of children. In particular, Article 22 (c) of the Child Act 2008 states that,

Every child has the right to be protected from .... sexual abuse, exploitation and harassment including, but not limited to rape, incest, inducement or coercion of a child to witness or engage in a sexual activity; the use of a child in prostitution or other sexual practices (South Sudan Child Act, 2008:22).

Similarly, Article 26 (1) on the *Rights of the Female Child* is gender specific and warns that,

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<sup>141</sup> *ibid.*

<sup>142</sup> ILO (1999) Worst forms of Child Labour, C182. Accessed from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayConv.cfm?conv=C182&hdroff=1&lang=EN> (Accessed, 11 October 2009).

Every female child has a right to be protected from sexual abuse and exploitation and gender-based violence, including rape, incest, early and forced marriage, female circumcision and female genital mutilation (South Sudan Child Act, 2008:24).

Evidence obtained at the time of conducting this research indicates that many respondents thought that the majority of the child victims of trafficking in the commercial sexual exploitation industries were girls, some of whom led independent lives due to adverse socio-economic conditions in their households and forced to raise 'quick-fix' solutions to their livelihood woes through transactional sex. The availability of employment opportunities in the private sector in the post-conflict period, especially in hotels, bars and lodging and massage parlours that sprang up are the main economic drivers of the desperate young people. A respondent notes that:

The sexual exploitation of children is commonly practiced in the entertainment industry and in business premises after working hours. Many young people seem to have accepted transactional sex as a coping mechanism to the dire economic conditions in the country. And, whenever any female prostitute in Juba approaches you and tells you that she is a 'UN worker' or 'UN staff', firstly, it is an admission that she is a sex worker and secondly, that she is

willing to offer sexual services to any man, from any place and at any rate<sup>143</sup>.

The researcher also noted that most businesses in the capital city of Juba are mainly run by foreign nationals from neighbouring countries of Uganda, Kenya, Ethiopia and Eritrea. The positive contributions of the businesses to the GDP of the country notwithstanding, there are prejudice against some foreign nationalities operating businesses in the country. It is perceived that prostitution is alien to South Sudan and it may be associated with the booming foreign businesses in the country. Although all the respondents suggest that the influx of foreigners, especially Ugandans and Kenyans, could have highly contributed to the boom in the prostitution industry mostly conducted in business premises and places of entertainment, there was no empirical evidence that could support the allegation, or that foreign prostitutes monopolised the sex industry. As discussed in Chapter Four, the influx of international staff of international organisations, institutions and agencies with earning above the local staff have had impact on the local formal and informal economies in South Sudan.

In addition to the Directorate of Child Welfare which is directly responsible for the protection and promotion of child rights in the country, the South Sudan police force child help desks were created to enforce measures that ensure the welfare and rights of the child are upheld and protected. With new structures for child protection in place, how does the state

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<sup>143</sup> Interview with KI<sub>2</sub>, University of Juba, South Sudan, 10 December 2010.

counteract the problem of child trafficking in South Sudan? The next section attempts to address this question.

### **State responsibility in abating child trafficking**

During the North-South civil war fought in the 1980s, child trafficking significantly featured as one of the major human rights concerns that undermined the credibility of both Sudan and South Sudan. After the end of the civil war, the recent focus of child traffickers has tended to shift to the post-conflict context where human vulnerability is influenced by new realities: social, political and economic challenges.

Since 2005, the Government of Southern Sudan (GoSS) has predominantly focused on the disarmament, demobilization, and reintegration (DDR) of children associated with armed conflicts, including ex-combatants and child soldiers. The programme, jointly led by the Southern Sudan Disarmament, Demobilization, and Reintegration Commission (SSDDRC) and the Northern Sudan Demobilization, and Reintegration Commission has been financially and technically supported by the United Nations. Although the ultimate aim was to achieve demobilization of up to 180,000 ex-combatants in three years, the fate of an estimated 35,000 victims of trafficking and slavery in Sudan, many of whom women and children, remain uncertain. Also, strategies to liberate, protect and prevent vulnerable children from further abduction, trafficking and enslavement in the post-conflict country are still far from straightforward.

The Committee for the Eradication of Abduction of Women and Children (CEAWC), a body which set up by Sudan to address trafficking related problem was unable to liberate and reunite any of the victims (women and children) between March and December 2008. CEAWC's main concern was lack of facilitation (funding) that hindered the effective implementation of its work. Yet in the following year, the United States informed by its Trafficking Victims Protection Act (TVPA) 2000, assigned Sudan a Tier 3 ranking in the Trafficking in Persons Report – 2009. The ranking signifies that Sudan failed to make significant efforts to comply with the minimum standards set out in TVPA. The diplomatic policy implications of the US ranking of Sudan would mean severing the provision of non-humanitarian and non-trade-related foreign bilateral aid to the country.<sup>144</sup>

The South Sudan Child Act<sup>145</sup> signed into law by the President in October 2008, however, provides a comprehensive and child-focused legal framework for protecting and promoting child rights. The Act obliges all levels of the Government of South Sudan to recognize, respect and ensure that the rights of the child as set out in the UN Convention on the Rights of the Child are respected and enforced. The Act devotes a chapter to the “abduction and trafficking of a child”, criminalizing the unlawful transfer of possession, custody or control of a child and its offense attracts a maximum sentence of 10 years imprisonment.

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<sup>144</sup> U.S. Department of State (2009) *Trafficking in Persons Report 2009*, Office to Monitor and Combat Trafficking in Persons, Washington D.C.: U.S. Department of State, p. 266. Available from: <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>, 266.

<sup>145</sup> Government of Southern Sudan (2008) *Child Act, 2008 (Southern Sudan)*, 13 October 2008, pp. 12, available at: <http://www.unhcr.org/refworld/docid/49ed840c2.html>

Moreover, the Act emphasises the duty of care for all children. It stipulates that every child has the right to be protected, while in the care of parents, legal guardians and all duty bearers. For instance, the Act provides for a penalty of imprisonment for up to 14 years of those incriminated in the act of child abduction and trafficking for whatever purpose or in whatever form. Yet, as some respondents observed, the conditions of captivity of trafficked children hugely infringe on their rights. Harmful and negative cultural and social practices such as forced marriages, forced circumcision, sacrifices, body tattooing, piercing, tooth removal or any other cultural rites, custom or traditional practice have huge long-term negatively impact on the affected children's physical, emotional, psychological, mental and intellectual dignity, growth and development.

The Act also outlines the duty of the Government at all levels. It obligates all government structures in engaging with all sectors of society and in undertaking appropriate legislative, administrative and other frameworks needed to expedite its implementation. This includes operationalization of concrete actions that inhibit child abduction, traffic or sale, and in abolishing slavery, servitude and related practices. The Act is also cognizant of the state responsibility to reunite victims of child abduction or trafficking with their families and/or next of kin: it emphasizes the rights of every separated child to be reunited with their parents or lawful guardians.

Although the Child Act 2008 was officially launched on 9 April 2009, as of June 2009 hard copies of the legal document were only available at the Ministry of Justice and Constitutional Affairs. Other public institutions,

offices and NGOs had not seen the hard or soft copies until later in the year though it was published in Acts Supplement to the Southern Sudan Gazette No. 1 Volume 1, in February 2009.<sup>146</sup> The Child Act is now available online (on the UNHCR website) though the date of its publication could not be traced. Given the challenges with internet access in South Sudan, online access to the article remains severely restricted, and so the researcher was unable to evaluate the reception of the Act by implementing institutions and organisations.

One of the most immediate measures towards the realisation of the protection of child rights as provided for in The Act is the registration of children at birth. Before South Sudan became independent, only one-third of children in Sudan were estimated to have their births registered.<sup>147</sup> Without birth registrations, determining the true age of the child at risk of trafficking and exploitation is challenging. Per Engebak, the UNICEF's acting representative to Sudan emphasises how birth registration is significant in supporting the process of victim identification and reunification. He notes,

Without birth registration, children's access to basic social services such as education and health care are put at risk. Without documented proof of age, a child is exposed to the risk

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<sup>146</sup> UNHCR (2009) Child Act 2008 (Southern Sudan) Available at: <http://www.unhcr.org/refworld/country,,,LEGISLATION,SDN,456d621e2,49ed840c2,0.html>.

<sup>147</sup> GoNU (2006) *Sudan Household Health Survey (SHHS) and Millennium Development Goals (MDG) indicators, Sudan, 2006: Summary table of findings*, Khartoum: Government of National Unity. Available at: <http://www.irinnews.org/pdf/pn/SHHSreport.pdf>.



of under-age recruitment, to exploitative child labour and to the evil of trafficking. Without that simple piece of paper in their hands, children who are separated from their families in times of crisis may be unable to provide critical information that would help with their reunification<sup>148</sup>.

The birth registration of children in South Sudan has significantly increased from 5 per cent in 2006 to nearly 35.8 percent in 2010<sup>149</sup>. Birth registration is a significant instrument for national and state-level policy planning and implementation. Statistics from birth registration database are useful in projecting future demand for services and in identifying the expected resource availability and gaps, which potentially constitute a baseline for planning for the provision of essential social services.

### **Preventing and protecting children from trafficking**

Within the domestic legal frameworks for protecting children, no suspected child trafficker was reprimanded or referred to the court of law. This is partly due to the fact trafficking in human beings is a highly clandestine activity and the difficulty in defining what the problem entails. The law enforcement officers involved in the raid and rescue of children from Jonglei State (referred to in Chapter 3 of the thesis) or those involved in rescue mission in brothels in the suburbs of Juba city were also unable

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<sup>148</sup> UNICEF (2009) 28 July 2009 - Renewed efforts underway to increase level of birth registration in Sudan, Press Release, Juba: UNICEF Southern Sudan Area Programme. Available at: [http://www.unicef.org/sudan/media\\_5813.html](http://www.unicef.org/sudan/media_5813.html).

<sup>149</sup> South Sudan Household Survey 2010. Available from: <http://www.southsudanembassydc.org/PDFs/others/SHHS%20II%20Report%20Final.pdf>. p.58.

to identify the perpetrators of the crime of child trafficking. Evidence from the field data further points to the complicity of law enforcement officers in the human trafficking chain (see discussions under the challenges encountered in counter-trafficking and the link between trafficking and organised crime in the theoretical section in Chapter 2 of the thesis).

In terms of child trafficking prevention work, the Government of South Sudan, international and national civil society organisations and academics are involved in advocacy and awareness raising campaigns among the citizens and other vulnerable population in regards to children's rights in the country. The main aim of conducting the various awareness raising campaigns is to prevent initial victimisation of vulnerable children by traffickers. Various awareness raising campaign strategies include the use of media outlets for targetting the wider public. Print and electronic media were cited as the most common means of reaching out to the literate population with easy access to such media. Besides, special TV programmes and radio broadcasts, jingles, ads and songs are used to target a wider audience and for passing across desired messages. These are aired out through the public broadcasters and FM stations<sup>150</sup>.

On line campaigns through blogs, Youtube videos and social networking sites such as Facebook and Twitter have generated robust general discussions on contemporary issues emerging in post-war South Sudan,

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<sup>150</sup> Some of the radio stations include: Capital FM (in Juba), Liberty FM (in Juba and Yei), Miraya FM (in Juba, Malakal, Rumbek and Wau), Bakita FM (in Juba), Rumbek (in Rumbek), Ngun Kata religious FM (in Kaya, Central Equatoria state), Catholic FM (in Yambio), Warrap FM (in Warrap) and Mango FM (in Juba).

including the problem of child abduction and trafficking. Whereas concerted preventive efforts have been invested through awareness raising campaigns, their success in creating impact on the phenomenon of child trafficking is dependent on the quality of the message (regarding the nature of the problem, its operations, danger, implications and individual and collective responsibility of dealing with the problem) and the extent to which they reach out to a wider audience of the population.

There are lessons which South Sudan may learn from countries which have registered successes in anti-trafficking awareness raising campaigns in order to adapt them to its local context. The International Organisation for Migration's special TV programme aired in Alabama depicting the ordeal of victims of trafficking brought to light the predicaments of young women recruited under the guise of marriages but later were trafficked into Italy for the prostitution provides an example of how the public can be made aware of the tricks traffickers use to target innocent people. Another powerful electronic campaign tool is the application of human trafficking documentaries and films for advocacies and awareness raising campaigns. The main advantage of using documentary films rests on the ease in which they can be broadcast. Compared to other media of communication, films have the ability to capture feelings and emotions of a wide range of audiences within a short time. For instance, when the Music Television's End Exploitation and Trafficking (MTV EXIT) launched the "No Exploitation and Trafficking" campaign in Europe in 2006, it became one of the most powerful

campaign and advocacy tools which has been adapted to counter-trafficking. MTV EXIT programme further influenced the embeddedness of the message “No Exploitation and Trafficking” in subsequent series of short documentaries translated into several languages in the regions of South Asia and the Pacific. Besides, several other international organisations and media outlets involved in awareness creation of the danger of the problem of human trafficking such as the international NGO Stop the Traffic with over 100 member grassroots organisations in 50 countries uses its networks in the anti-trafficking campaign programmes, and the CNN’s Freedom Project: End Modern Day Slavery, that produces and publicly avails documentaries exposing the problem of modern day human slavery in many countries across the globe.

In addition, several countries have also adapted information and communication technologies as mechanisms for creating public awareness and for preventing and reporting suspected cases of human trafficking and as a means through which victims can seek for support. Some countries have set up toll-free national helplines and hotlines for information dissemination: the Covenant House runs a national helpline in the United States while in the Netherlands, the Dutch Crime Stoppers organisation, *Mel Misdad Anoniem*, devised a system which permits the general public to watch out for crimes and anonymously report them to law enforcement agencies and for conscientising the public about the danger of irregular or illegal migration, and ASTRA, a Serbian based NGO is commended for its role in addressing the plights of victims of human

trafficking through setting up helplines. These are few examples which South Sudan can learn from.

The application of information and communication technologies (ICT) in counter-trafficking in South Sudan, however, reveals a grim picture. At the time of conducting this research, South Sudan did not have a toll-free national helpline for reporting suspected cases of trafficking in human beings or for victims support (by seeking help from the State actors or specialised civil society agencies). However, several civil society organisations are involved in supporting the government counter-trafficking programmes through the provision of technical and financial support. Child focused agencies such as UNICEF, Save the Children, the International Labour Organisation (ILO) and International Organisation for Migration (IOM) provide additional direct support to victims of trafficking through coordinating the process of victims' tracing, identification, repatriation, rehabilitation and reintegration. The use of information and communication technology such as radios, TV, internet based social media, documentaries are very limited because not most people have access to some of popular media of communication such as radios, TVs, newspapers or the internet as those services are not fully developed in the country. Among other organisations employing short documentaries/videos for awareness raising and advocacy are the Human Rights Watch<sup>151</sup>, World Vision International<sup>152</sup>, UNICEF<sup>153</sup> and many

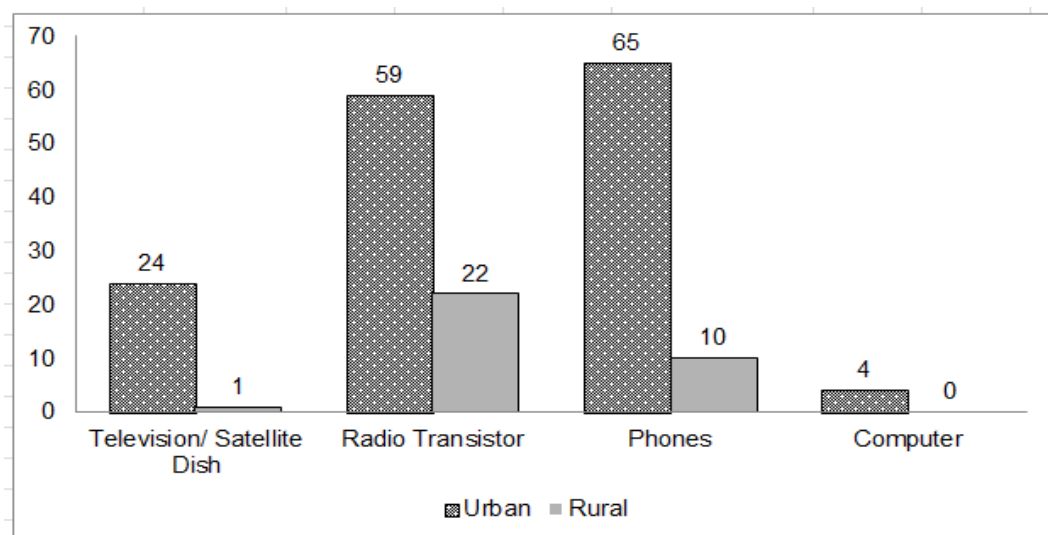
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<sup>151</sup> See a video by HRW on awareness on child marriages in South Sudan through this link: <http://www.hrw.org/reports/2013/03/07/old-man-can-feed-us-you-will-marry-him>.

<sup>152</sup> For the details of the World Vision's advocacy, visit: <http://www.worldvision.org/news-stories-videos/south-sudan-war-children-recount-violence>.

others. The extent to which the online documentaries will create the desired awareness among the majority of the South Sudanese population remain to be seen. This is due to the fact that access to modern technologies greatly vary between urban and rural populations in South Sudan. The figure below adapted from the South Sudan National Bureau of Statistics shows that overall it is the urban dwellers with much more access to mobile phones (65%), radio transistors (59%), TV and satellite dish (24%) and computers (4%) respectively.

**Figure 13: Distribution of communication items in South Sudan**



Source: South Sudan National Bureau of Statistics<sup>154</sup>

The nature of the distribution of the most commonly used ICT hardware in the country suggests that the success of adapting ICT tools in counter-trafficking awareness raising campaigns so as to reach a greater section

<sup>153</sup> See UNICEF's YouTube documentary available through:  
<http://www.youtube.com/watch?v=HE0ANRM4kuE>

<sup>154</sup> South Sudan National Bureau of Statistics (SSNBS) (2012). Available from:  
<http://ssnbs.org/storage/NBHS%20Final%20website.pdf>. p.36.

of the population of South Sudan may be dependent on using a combination of transistor radios and mobile phones.

### **Challenges encountered in counter-trafficking governance**

Despite efforts to counter the problem of child trafficking there are problem that different actors encounter. Complicity by law-enforcement officers is one of the challenges undermining the effective operationalization of the counter-trafficking laws either through omission or commission. Before the South Sudan became an independent state, racial and ethnic differences were at the core of the challenges. A senior police officer recounted how challenging it was to rescue children and women abducted and held captives during the North-South civil wars. The law enforcement officer, a Southerner was attached to Nyala, Sudan and his supervisor was from the North of Sudan. According to the respondent, his supervisor never allowed police officers under his command to rescue the victims of abduction even though intelligence reports showed that women and children were enslaved by Rizeigat people:

During my work, I encountered some depressing cases of unsuccessful attempts by some Dinka people who would find their own abducted children with Rizegat tribe and would not be able to recover them despite seeking intervention from the police force. Whenever such families came to the police to seek for help to get their children back, they would be sent away to bring with them *arida* – a court injunction before the police acts. I remember one

woman coming to our police station and emotionally cried for help.

“I have seen my daughter with someone among the Rizegat community; the person took away my daughter by force. When I resisted, they severely beat me, dug a hole and wanted to bury me alive in the ground. But I managed to flee and my daughter could not. Please I want my daughter back with me.” However, my boss ordered her to go and bring an *arida*<sup>155</sup>.

The above quote illustrating the reluctance of a law enforcement officer to rescue victims of trafficking and hold the perpetrators accountable is a classic example of complicity of the law-enforcement officers. It is also a reflection of how the divisions between the Sudanese people (discussed in Chapter three) were entrenched in the bureaucratic system in the country.

Counter-trafficking interventions by some non-state actors were also greatly challenged. One of the non-state actors involved in the rescue of enslaved Sudanese is Christian Solidarity International (CSI). CSI is a religious NGO founded in 1977 by Reverend Hans Stückelberger in response to the need to liberate persecuted Christians. CSI work in Sudan involving awareness raising campaigns and advocacy on the plight of modern day slaves in Sudan gained them enormous publicity, especially in Western capitals. It perceived its approach of buying back the freedom of those held in slavery as the only way slaves could be rescued. Although CSI and other organisations managed to secure the freedom of

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<sup>155</sup> Interview with SSLE<sub>4</sub>, Juba, South Sudan, 16 June 2010.



a substantial number of former slaves of South Sudan origin from Sudan through its slave redemption programme, the approach has been criticised as unethical.

Lindsay Chamberlain, a critic of the slave redemption programme, argues that,

(E)ver since ... Christian Solidarity International, and many more organizations started buying back slaves from the militia, reports have found that there has been an increase in the raiding and buying of children in the southern Sudan towns, in order to get back at the groups ... Despite the good intention of redemption, it is actually helping to profit the raiders because it costs them fifty to a hundred dollars to buy back a slave<sup>156</sup>.

The NGO programme of 'buying back' of freedoms of victims of abduction and trafficking which occurred mainly during the North-South civil wars seemed to have created more negative impact than the intended potential benefits. Critics questioned the morality of the practice and wondered whether the practice was not responsible for exacerbating trafficking in the country. Coincidentally, as the fundraising bid increased, there was also a dramatic rise in abduction of women and children in the region. Lindsay's piece of work unravels how the governance of child trafficking in Sudan had become driven more by economic motives. As victims become more commercialized and commoditized, they also get trapped in the vicious

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<sup>156</sup> Chamberlain, L. (2002) Child Slave Labour in Sudan. Somerville. Available from [www.ihscslnews.org](http://www.ihscslnews.org).

cycle of abductions and redemptions as money changes hand several times. In a way, the non-state actors interventions meant to protect the rights of the victims of abduction and trafficking indirectly become the source of the vulnerability. Besides, the child trafficking networks in the country are more complex, and criss-cross domestic borders and international spheres. Since the slave redemption efforts targeted internal destinations (victims from within Sudan), the programme partially addressed the plights of the victims as victims in foreign destinations were never redeemed.

Currently, there are a few non-state actors involved in providing direct support to child victims of trafficking and other forms of exploitation and abuse. According to a social worker working directly with some of the vulnerable children rescued from various forms of exploitative labour such as commercial sexual exploitation, street labour, street begging while other were associated with armed groups, several children are still victimized through trafficking:

As a social worker for a child-focused non-governmental organisation, I received disturbing information about the physical and sexual abuse of several children in Juba County, [the administrative] capital of South Sudan. Upon close scrutiny we discovered that several minors are victimized through commercial sexual mistreatment, including those involved in child prostitution –

selling themselves to men in return for money and drugs. These are poor children from both rural and urban background<sup>157</sup>.

Some of the children rescued from trafficking and exploitative conditions are taken to reception and rehabilitation centres before they are reunited with their families. The time spent by each victim of trafficking at a rehabilitation centre varies from a few hours to several weeks depending on the length of time spent during trafficking or the nature of exploitation. The support that the non-state actors provide to the vulnerable children under their care range from psychosocial and counselling, provision of shelter, life-skills education and the provision of scholastic materials for primary school going children. Although efforts are being made in the child 'reception and rehabilitation centres' to provide psychological support to the victims, it should be noted that not all children who are at the centres are victims of trafficking. Besides victims of trafficking, the centres also provide support to street children, separated children, orphans and other vulnerable children and those rescued from other worst forms of child labour. It is quite clear that not all children do have the same level of vulnerability and needs.

The International Organisation for Migration recommends three processes of providing direct support to victims of trafficking to include accurate victim identification; provision of direct assistance; and reintegration (Odera and Malinowski, 2011). Victim identification involves the process of screening and verification to ascertain whether a suspected case

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<sup>157</sup> Interview with a representative of an NGO based in Juba, 2010.

qualifies to be classified under the victim of trafficking category or not. Once an accurate status of the individual is determined as a victim of trafficking during the screening phase, referral can be made for that individual for assistance. Although the national legislative frameworks provide for direct assistance to be provided through government structures, it is the non-state actors (civil society) facilitating the rehabilitation efforts of victims of trafficking. A best practice, however, would have been for both the state and non-state actors to compliment the role that each other plays in providing direct assistance to the victims.

The next stage is the reintegration phase. Reintegration is the process through which victims of trafficking are rehabilitated and fully supported to lead a normal life in their community in a safe, dignified and sustainable manner. For the victims of trafficking from foreign countries, the process ensures that they are accorded the requisite permission to stay in the host country or an alternative country should return to their home country be considered a high risk.

Among the child centres that provide direct institutional support to vulnerable children including victims of trafficking are the Juba based Confident Children out of Conflict and Totto Chan. Totto Chan, a child trauma rehabilitation centre, is an indigenous NGO founded to respond to

the plight of children affected by armed conflicts in South Sudan. A senior manager of Totto Chan<sup>158</sup> explains how and why the centre was founded:

My work started with child victims of Lord's Resistance Army abduction at the time when Totto Chan centre was opened. The children were mainly from South Sudan and from neighbouring countries of Uganda and the Democratic Republic of Congo. Many of the child victims of war had traumatic experiences through being forced to commit or witness atrocities committed on the people they know, the communities they come from or their families. Some of the children at the centre know of other children who escaped from abduction and live on the streets of Juba. One of them helped to identify some of them who were later brought to the children's centre for support. This is how Totto Chan child centre started and expanded to support children who are victims of various forms of child exploitation including those trafficked into the city from nearby and far areas. After the rehabilitation of the children, we also ensure that their families are counselled so that the process of reintegrating the children back into the community is supported and sustainable.<sup>159</sup>

Confident Children out of Conflict (CCC) is another South Sudanese NGO set up as,

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<sup>158</sup> See more at: <http://www.c-r.org/partner-feature/totto-chan-south-sudan-jim-long-john-rehabilitation-lra-child-soldiers#sthash.y1gbWK4n.dpuf>.

<sup>159</sup> Interview conducted with NCSO<sub>1</sub>, Totto Chan child rehabilitation centre, Juba South Sudan, July 2010.

A safe center where survivors of gender based violence and girls at risk of sexual exploitation and abuse; who come from the slums, internally displaced people's camps, and streets are protected and reintegrated back into society by providing life skills, physical, social and psychosocial guidance<sup>160</sup>.

CCC relies on external donor funding for providing services to the vulnerable children under their care. The children, mainly aged between 3 to 18 years, perceived to be at high risk of exploitation are provided with food and space to live while they await the time for reunion with their families or next of kin. CCC also provides support to the vulnerable children through offering formal basic education in form of the provision of school fees and scholastic materials and vocational training skills for those aged up to 24 years as they are prepared for reintegration into the community.

Despite the direct support the vulnerable children receive from the child centres, life is far from luxurious. Moses [not real name] one of the staff of the orphanages observes that some children often try to escape from the centres to go back to live on the streets of Juba in spite of being guaranteed shelter, food, clothing and medical support. He argues that it seemed some of the children are not comfortable with life under the strict rules and guidance or living in enclosed, unfamiliar environment. The centres also face the challenges of how to reintegrate some children

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<sup>160</sup> See "About Us", Confident Children out of Conflict. Available from: <http://www.confidentchildren.org/> (Accessed 13 January 2013).

without known relatives or next of kin into the community. As a short-term measure, CCC recommends that some children without relatives be fostered with local foster families in Juba County. Although fostering of children may be provided for in the national law, the practice itself is not without limitations. CCC notes that one of the main challenges is the preference of families to foster young girls as opposed to the boy child.

Not all children can be fostered. The Centre notes that partnership is a key factor for the success of reunification and rehabilitation of children in their orphanages:

CCC collaborates with other organisations and the law enforcement structures for the children under their care to be properly identified and reunited with their next of kin. We usually ensure that the children are taken back to their families and at the same time tell them of the danger of sending their children to work in the city or to be given away to rich relatives. Most of the school-going aged children want to go back to school as soon as they leave the centre<sup>161</sup>.

## **Conclusion**

The chapter examined how state and non-state actors have been dealing with the emerging problem of child trafficking in post-conflict South Sudan, an indication that the actors recognise the significance of the problem to

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<sup>161</sup> Interview conducted with NCSO<sub>4</sub> children rehabilitation centre, Juba, South Sudan, July 2010.

the children, the society and the state. This is, of course, a welcome gesture given that post-conflict contexts are theatres of human trafficking where local and foreign actors engaged in its activities. The chapter notes that within the political discourse, the problem of child trafficking is mainly understood as a criminal activity that should attract the criminal justice system. Under that the international and national legislations child labour trafficking, sex trafficking for commercial sexual exploitation or transaction sex, and trafficking for illicit motives including adoption are highly prohibited. The transitional constitution of South Sudan and the Child Act further articulate penalties for committing crimes related to trafficking and trafficking related activities.

The chapter also noted that international non-state actors are increasingly providing technical and financial support to the Government of South Sudan in order to boost its capacity to address the problem of human trafficking. As noted by the US Department of State in its annual Trafficking in Person reports, the Government of South Sudan is not yet doing enough to address severe forms of trafficking in persons, justifying why the US body categorises South Sudan under its Tier 2 Watch List.

While civil society organisations and locally founded NGOs have invested significant efforts and resources in providing direct support to the victims of trafficking, so far the impact of the interventions have not been able to eliminate the problem of child trafficking. The failure of the anti-trafficking programmes to curb down the problem has been attributed to various factors including unethical and inappropriate intervention programmes



(such as buying back victims' freedom) which do fail to get to the root cause of children vulnerability in the post-conflict context. Besides, redemption strategy is limiting as other victims of trafficking are not targeted. It also raises the question pertaining to why victims of trafficking in foreign countries failed to feature in the redemption programmes. I also noted that all the actors involved in protecting children's rights in South Sudan – whether international or local actors – did not have prior experience as former victims of trafficking or did not experience issues of child abuse first hand.

The destruction of the judicial and legal systems in South Sudan during the time of the civil wars and the failure of GoSS to ratify the UN Human Trafficking Protocol means that the legal infrastructure in the country remains unsupportive of the vulnerable children and victims of trafficking. It also implies that the national counter-trafficking laws are not informed by international best practices. Therefore, the legal gap between the international and local norms will also encourage the impunity of complicit state and non-state actors. Even if immunity of complicit internationals were to be waived, lack of operationalization and harmonisation of anti-trafficking legal norms, entrenched political and bureaucratic corruption would continue to undermine justice in the country. The culture of impunity in turn makes the victims lose trust in the law enforcement system. Moreso, when victims of trafficking count local, international staff and law enforcement officers among their clients, exploiters or offenders, their willingness to come forward and ask for assistance dwindles.

The chapter concludes that in the context of state transition, operationalization of counter-trafficking norms is severely undermined by the inability and unwillingness of the state actors to provide adequate protection of human rights and security for its citizens. This is due to the fact the operationalisation of counter-trafficking norms in the South Sudan context has been undermined by the polarised understanding of the problem in the political discourse. To that end, the lack of harmonization of international and national counter-trafficking norms will continue to hamper efforts to eliminate the problem of child trafficking. At the national level, the unwillingness of the state actors to ratify the UN Trafficking Protocol is a major setback in streamlining the domestic legislation. In the absence of harmonised legislations, the state may invoke international human rights laws relevant to human trafficking should its actors be willing to protect and promote the rights of the child. Finally, a long-term solution to the problem of child trafficking may consider how socio-economic and political conditions of the individual children, their families and the community in which they live are strengthened. It is only then that the challenges of child trafficking can be simultaneously addressed from both the demand and supply sides.

## **CHAPTER 6**

### **GENERAL CONCLUSIONS**

The main aim of this concluding chapter is to revisit the research question and draw together major conclusions which combine to answer the question regarding why child trafficking is persistent in South Sudan. This question focuses on establishing the nature, extent and implication of the problem of child trafficking to counter-trafficking governance in post-conflict settings. In order to address the central research question, I conducted the research in phases. First, I conducted an analysis of available secondary data on global debates on human trafficking and contextual information regarding the main issues causing child vulnerability in South Sudan in order to provide background information for the study. In the second phase, I conducted field based investigations with civil society organizations, government institutions and key informants on child trafficking in South Sudan. The representative samples were drawn from the population of Juba County, South Sudan. This was followed by analysis of both primary and secondary data. The research was informed by the philosophical underpinnings of social constructivism for data collection and analysis which contributed to the understanding of the problem of child trafficking in Juba, South Sudan. This chapter, therefore, summarises the preceding chapters, highlighting the main contributions made by the thesis, drawing conclusions, and identifying the main areas for further research.

## **The main research findings**

To better analyse issues pertaining to child trafficking, I examined the global, international and regional scope of the problem of human trafficking (with emphasis to Sub-Saharan Africa) and noted that human trafficking is a crime which affects many countries in the world. Although international efforts to address the problem of human trafficking date back to the beginning of 19<sup>th</sup> century, conceptual confusion among various global actors regarding the problem featured prominently in the five international agreements and conventions adopted from 1904 to 2000. If the unveiling of the United Nations Protocol to Prevent, Punish and Suppress Trafficking in Person, especially Women and Children is used as the starting point of modern efforts to confront the problem of trafficking, then we can conclude the problem of human trafficking received concerted efforts for the past two decades. The international community, regional and national governments, civil society organisations and individuals have since then got more involved in the fights against human trafficking through enacting counter-trafficking laws and increased funding anti-trafficking programmes and projects. Besides, human trafficking analysts, commentators, researchers continue to engage more with the debate on the subject.

In spite of the all the efforts and attention given to the problem of human trafficking at whatever levels, no evidence points to a substantial reduction in the scale of the problem. Yet that is exactly what all these attention are meant to achieve. But why – after several decades of engagement – has

the phenomenon of human trafficking not reduced? The thesis notes that although the adoption of the Trafficking Protocol 2000 signaled a key milestone in the international effort to address the problem of human trafficking in modern times, social, cultural and political factors pose practical challenges to the implementation of the international – often Western-centered – counter-trafficking law and instruments for protecting the rights and security of individuals. I also learnt from the review of related literature that the international legal framework for counter-trafficking and protecting children – informed by ethnocentric language and Western values – are restrictive and limit the universal applicability of child protection, especially in Africa.

While it is true that the definition of human trafficking is not perfect, the thesis notes that the international Trafficking Agreement was a political necessity that provides a framework for many nations to kick-start the process of crafting domestic counter-trafficking legislations. The law-enforcement perspective of the Protocol means that law-enforcement authorities from many nations across the world agreed on the need and importance to provide protection and assistance to victims of human trafficking. The main weakness of the enforcement perspective of the Protocol is based on the fact that it was never intended to fully address all the needs of victims of trafficking. It also fails to articulate how to enforce government's responsibilities for ensuring that the rights of victims are addressed.

The language of the Protocol does not generally commit to – or rather takes a “soft” stance on – victim’s rights. Where it does, the Protocol grants the rights conditionally in the phrases it uses such as “in appropriate cases”, “to the extent possible”, “if permissible under domestic laws”, “each state party shall consider”, or “shall take into account” or “shall endeavor”. Yet the Protocol also fails to provide any binding, stringent obligations or mechanisms compelling all signatory states to ensure that they take and enforce measures for effective protection and assistance of victims of human trafficking. The gap in the Protocol, perhaps, is one of the factors which explain the reluctance of states to provide protection and assistance to victims of trafficking, as they feel it is not really their responsibility to do so. South Sudan is one of the states which have not ratified the Trafficking Protocol.

The discussions on the political economy of South Sudan in Chapter 3 provided the foundational understanding on the context in which child trafficking operates. I learnt that the interactions between foreign and indigenous African cultures produced the crises of national identity and attempts to reconstruct Sudanese identity further resulted into immense contestations since time immemorial. Within the context of multiple and competing Sudanese identities, inter-ethnic exploitation was produced and reproduced. This is not to ignore the fact that intra-ethnic, intra- and inter-regional exploitation occur. Moreover, the politicisation of identity in Sudan led to the binary divisions of exclusion-inclusion, domination-

marginalisation and centre-periphery exploitation that defined the politics Sudan and South Sudan to date.

I learnt that a combination of two main factors – *contingency* (historical factors) and *choices* (policies and political decisions) of post-independent leadership – influenced and reproduced human insecurity, a cycle of human rights violation and exploitation of South Sudanese. The political economy of exploitation in Sudan has a deep historical pattern and reached its extreme in the 19<sup>th</sup> century. This was characterised by a dynamic but dysfunctional power at the core of the state, relatively stable and highly exploitative inner peripheries and extremely violent outer peripheries. The Sudan dominant elite prospering at the centre did not feel that the disorder in the peripheries threatened them economically and politically. The pattern of exploitative relations between the core and peripheries persisted; it also meant intra-elite competition would continue, culminating into open conflicts and vicious cycle of exploitation of the vulnerable.

Based on evidence from my field research, the thesis concludes that contemporary movement of children into, within and across the national border for exploitation in slavery-like conditions fits within the human trafficking literature and not only slavery as it has been the case in the dominant political discourse. This finding contradicts the views held by scholars – discussed in Chapter 3 of the thesis – who contend that the contemporary trafficking of children from South Sudan is a by-product civil wars (Johnson, 2003a, Jok, 2001b, Miers, 2000), is deeply rooted in

human slavery in the medieval times (Jok, 2001a, Johnson, 2003, US Department of State 2009, 2010) or a consequence of cross-border inter-tribal feuds over natural resources. Instead, the conclusion corroborates the views postulated by Aradau (2008), Stessens (2000) and Lee (2011) which link human trafficking to organised criminal activities. The only difference – as discussed in Chapter 4 – is that trafficking in human beings in South Sudan does not involve the conventional transnational crime groups which are highly structured such as the Italian Mafias; the Russian Mafias in the United States; the Nigerian criminal groups in South Africa; the Chinese Triad; “snakeheads”, “gangs” and “secret society”.

Child trafficking in South Sudan is a ‘crime which is organised’ involving collusion mainly between traffickers and law enforcement officers on the one hand and legitimate organisations conducting criminal activities on the other hand. The irony is that the victims of trafficking are almost exclusively identified by the law-enforcement officers (the police and the army). The officers who identify whether or not a child is to be classified as a victim of trafficking, whether s/he is provided with the correct treatment and whether a suspected case of child trafficking is forwarded to the state prosecutors. But the fact that the law enforcement officers are the ones responsible for tracking victims of trafficking instead of specialized counter-trafficking network of support systems, contact points and support services for victims to go through without facing the risk of falling in the law and order mechanisms, is itself a problematic issue. Evidence from the field data shows the risk of entirely relying on law-



enforcement agencies due to their perceived conflict of interest in the child trafficking chain. My field research showed that some law enforcement officers had connections with traffickers while some invested in industries where commercial sexual exploitation is dominant (refer to the section on commercial sexual exploitation of children in Juba in Chapter 4 of the thesis). The detention of suspected victims of trafficking by law enforcement officers also reinforces the perception of victims as perpetrators of trafficking and criminals.

Civil society organisations and agencies involved in providing services to victims of trafficking suggest that child victims require ample period to allow them recover from the traumatic experience they faced and develop trust in unfamiliar authorities and institutions. In most cases, children do not see themselves as victims of crime, are ashamed to share their experiences or even condemn themselves – this explains why civil society organisations involved in the rehabilitation of victims of trafficking believe that it is only with time that the full truth can be ascertained. The lesson that we can learn from the experience of CSOs is that due to the critical element of uncertainty involved, the process of victim's identification should be jointly handled by NGOs and the police rather than leaving it to the law enforcement authorities alone.

This leads us to another conclusion regarding counter-trafficking mechanism in South Sudan: there is lack of structured and systematic cooperation between the law enforcement agencies and the civil society organisations running the victim protection and rehabilitation centres. The

reluctance of the state and the CSOs to fully cooperate has been attributed to mutual distrust, limited communication between the law enforcement authorities and CSOs and the increasing shift in responsibility of implementing counter-trafficking measures from the government to the international CSOs. This shift in counter-trafficking responsibility to non-state actors has two main implications: the state (Government of South Sudan) has often had the tendency to withdraw to the sidelines and avoid confronting the problem of child trafficking directly; and, the international civil society organisations on the other hand have mandates that limit the extent of performing their work. For instance, CSOs are unable to protect the rights and security of the citizens as it is a fundamental responsibility which rests on the state.

Nevertheless, the form of cooperation between the state and non-state actors (through provision of technical and financial support as discussed in Chapter 5), though considered significant, is still insufficient. The same setback also applies to horizontal cooperation between the various arms of government, especially the police and the judiciary departments. Because trafficking victims are the only reliable primary sources of witnesses for prosecution, a consistent and logical approach requires that law enforcement authorities employ a victim-centred approach to counter-trafficking and also find means of dismantling child trafficking networks altogether. Unfortunately, the focus on raiding of bars and brothels is not the only means to address the problem of child trafficking and has failed to disrupt the human trafficking chains.

Another key finding is that socio-economic, political and structural factors – some of which overlap with the factors that undermined child protection during north-south civil war – continue to exacerbate children's vulnerability to trafficking in South Sudan. The research noted that before and immediately armed conflicts set in, children are routinely recruited and used as fighting forces, human mine detectors, spies, sex slaves, forced labourers and human portages. Conflict induced displacement and refugee problems, too, render the children in South Sudan to be extremely vulnerable to labour and sex trafficking, and also for their participation in armed conflicts – a view that is shared by Acharya (2004), Mirzoyeva (2004), UNHCR (2002, 2003) and IOM (2003).

The research revealed that although most victims of armed conflict induced trafficking, children forcibly conscripted into armed conflicts and others associated with the fighting forces are slowly being reintegrated back into normal lives, the trauma they faced due to the various abuses they encountered make them fail to quickly reintegrate into their community. Most of the victims of exploitation are dejected, further haunted by some members of the community who are hostile to them. Consequently, they lose trust in adults. The victim rehabilitation and integration programmes are implemented by social workers who lack first-hand experience of being trafficked.

Although the end of the Sudanese civil wars was expected to usher in stability and long-term peace, the peace was short-lived and order was not totally restored in the country. The problem of child abduction and

trafficking has also continued unabated. The structural and proximate post-war factors which influence child trafficking infrastructures were not dismantled despite the fact that the 2005 Comprehensive Peace Agreement ushered in relative peace in the southern region of the country. South Sudan political context is murky; there is an increasing number of vulnerable and destitute populations due to conflict related internal displacement, refugee problem, pressure for return and resettle, increasing number of separated and homeless children and orphans. The fragility arising from socio-economic and political discontent that gave rise to and sustained the war is also a factor of economic exploitation and the centre-periphery inequality. The ongoing conflicts are exacerbated by the struggles for scarce resources and the breakdown of governance mainly in rural areas. It is characterised by intra-elite political competition at the centre and the struggle to consolidate the state. The socio-economic and political fragility have, as a result, created a lot of stress on the conflict affected community. For young girls and women who suffer disproportionately from lack of resources in the current fragile context, the conditions compel them to search for opportunities for improving their situations within the country and abroad. Yet there is lack of legitimate migration information for safe migration as discussed in Chapter 2. These conditions have provided the impetus for cross-border trafficking of young people in search for livelihood options elsewhere.

Following from the above, the research also revealed that more often, the post-war cross-border trafficking is associated with transnational

organised criminal networks (comparable to trafficking in the Balkans and the former Soviet Union discussed in Chapter 2) and trafficking to wealthier destinations<sup>162</sup> which provide the demand for trafficked persons. Yet relevant legal tools which law-enforcement agencies could have used to address the problem of transnational organised crimes – including tracking and confiscating financial assets of criminal organisations, wire-taps, tracking and addressing crime from its source to the endpoints, long-term strategic engagement – have been found to be regrettably lacking in the South Sudan legal framework.

The lack of relevant legal frameworks for curbing the vice of human trafficking leads us yet to another conclusion. The international counter-trafficking norms and the national legislation are not harmonised. South Sudan does not have a national counter-trafficking law. The lack of harmonisation of the legal instruments has practical implications: it has created a significant legal gap that human traffickers routinely exploit. The legal and security dilemmas also explain why actors involved in child trafficking chain – or at least in the exploitation of their labour – are rarely reprimanded.

Proceeding from the above research findings, the thesis notes that whilst the absence of adequate legislative framework provides the main hindrance to child protection in South Sudan, the tension between international, western-centric understanding of ‘child’ and ‘childhood’ and

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<sup>162</sup> The United States Department of State, *Trafficking in Persons Report 2009 - Sudan*, 16 June 2009, available at: <http://www.unhcr.org/refworld/docid/4a42148f2d.html> (Accessed, 10 October 2009).

how the terms is taken to be in Africa, provides a significant hindrance to the effective implementation of the norms for protecting children. This is because childhood in South Sudan – as it is in most traditional societies in Sub-Saharan Africa – is socially and culturally determined, and historically situated (see Chapter 4). The age rigid understanding of childhood in the international norms is thus restrictive and irrelevant to most of the community in South Sudan.

Furthermore, the governance of the problem of child trafficking raises a critical question pertaining to child rights and protection issues in post-conflict contexts. A critical analysis of official communication and discourses on trafficking in persons revealed a common but recurring theme, a theme which relates to how counter-trafficking actors and scholars are increasingly recognizing the problem of child trafficking as human rights and security issue. In Chapter Two, the thesis examined how the various perceptions of human trafficking were reflected in the evolution of various international trafficking protocols. In so far as the conclusion reached showed that some scholars agree that the main problem of trafficking in children can be understood from the perspective of, and regarded as a human rights issue, using a rights-based approach to addressing the problem of child trafficking has always not been a feasible option in South Sudan. The main reasons which undermine counter-trafficking from a rights-based perspective are many. First, promoting a rights-based approach at any level of society – at local, national, regional or global level – has always been a complex matter. It

even becomes more challenging when the problem involves children. From a child rights perspective, the complexity can be attributed to, among other factors, the social construction of who a 'child' is; this may not necessarily be determined by biological age.

Moreover, there is dearth of evidence in the literature which provides comprehensive analyses of how established international child rights principles and norms have, and can be applied to address the problem of child trafficking (Obokata, 2006:121). Salient questions regarding the relevance of child rights to the problem of trafficking may include: the relevant international child rights norms applicable to child trafficking; and, if applicable, whether they really articulate obligations pertaining to the problem and how they do so; the legal obligations imposed on state and non-state actors; and finally, whether The Palermo Protocol 2000 has the potential of promoting children's rights in practice and in post-war context.

By focusing on the obligations and accountability of non-state actors, the thesis notes that child trafficking is a phenomenon that is of interest to both non-state and state actors alike. Understanding the obligations and accountability of non-state actors (such as organised criminal groups or individuals) within the international context brings to light the strengths and gaps in the current practices by actors at regional and international levels. Although several international human rights principles and norms spell out the duties and responsibilities of non-state actors, I contend that some non-state actors are not bound under the existing human rights legal frameworks. The absence of legal responsibility of non-state actors

is a cause of concern and two implications. First, it is difficult to hold non-state actors involved in child trafficking to account for violating children's rights. It also means that organised criminal groups or individuals involved in child trafficking face very low risks. Secondly, non-state actors have limited legal responsibilities in countering the problem of child trafficking even though they may have the will and capacity to do so.

In conclusion, the thesis contends that the international human rights norms and principles can be indirectly applied to non-state actors at both national and international levels in the fight against child trafficking. Under the international human rights law, it is possible to apply the human rights framework to address the crimes of trafficking at both local and international levels. A combination of a rights-based approach and human security perspective offer an alternative means on how the security and rights of the child can be enhanced.

### **Thesis contribution**

There is scarcity of research on why child trafficking is persistent in post-conflict literature justifying the need to provide holistic and more comprehensive critical analyses of the political discourse of the problem of child trafficking and its influence on anti-trafficking initiatives. This view is supported by anti-trafficking policy researchers who argue that the design of any social policy response is determined by the way the problem is framed. The political leaders' and policy makers' role in framing of a problem greatly determines the successes and failures of measures



designed for redressing them. Thus, this study sought to, and generated more debates that provided a nuanced understanding of how to situate the problem of child trafficking in the post-conflict literature.

Besides, child trafficking in a post-conflict region remains a complex issue whose understanding as defined in political discourse may necessitate the victim's advocates both at international, regional and local levels, to have a basis of putting pressure to relevant authorities to see the need to devise ways of ending the problem. Exploring the political discourse of child trafficking provided a deeper understanding and reflection on why anti-trafficking policy process and implementation fail in a post-conflict context. Yet this study offered a broader pathway for analysing the problem from a rights-based approach and a human security perspective. Also, the thesis provided both descriptive and critical analyses of the available international human trafficking norms, protocols, policy responses and research that have been conducted on the subject. These provided a foundation for understanding anti-trafficking programmes and the importance of harmonising the international legal regimes with that of the national legal frameworks.

Furthermore, the presence of armed forces (such as peacekeepers) in post-conflict situations has, in some cases, been associated with igniting post-conflict human trafficking regimes. For instance, between 2005 and 2008, members of the UN peacekeeping Mission in Sudan (UNAMIS) faced allegations of sexual exploitation of children in South Sudan. Elsewhere, scholars have well documented how human trafficking was

non-existent in Kosovo, Bosnia, Sierra Leone, Somalia and Cambodia before the arrival of the international peacekeepers. Similar reports pinning international troops have been cited by Skjelsbaek and Hostens (2003) in their writing: *Gender Aspects of Conflict Interventions: Intended and Unintended Consequences* in Bosnia and Herzegovina as well as in East Timor, Ethiopia, Eritrea, Iraq and Democratic Republic of Congo. The information gap in the literature regarding the agency of the foreign peacekeepers in influencing post-conflict child trafficking in South Sudan, calls for more intellectual inquiry.

A significant gap in the trafficking literature concerning the understanding of how some African cultural practices may undermine child rights and safety was partly addressed in the thesis (in Chapter 4). On the other hand, the understanding of cultural norms and value systems regarding child upbringing, placement or fostering as adapted by Confident Children out of Conflict (in Chapter 5) provided an understanding of the grey area regarding how the reintegration process of trafficked child victims without their families or next of kin could be handled, and also as a way to prevent victims from being targeted for re-trafficking.

Evidently, a thorough analysis of the phenomenon of child trafficking in South Sudan has been regrettably lacking. Yet, any literature on child trafficking in post-conflict settings needed to reflect the complexity of the context in which the phenomenon operates. In addition, the analyses should include political discourses of the problem at national and sub-

national levels, how it is framed and responses to address the conditions that facilitate child trafficking.

The thesis, therefore, attempted to fill some of the gaps in the literature highlighted above.

### **Implications for future research**

In my analysis I found that child trafficking – a sub-set of human trafficking – is a very complex phenomenon. There are a number of factors that contribute to the phenomenon that need to be critically analysed and taken into account for counter-trafficking policy implementation to be effective and sustainable; the supply and demand sides of child trafficking. On the supply side, there is a need to understand socio-economic and political factors which make children vulnerable to trafficking. On the demand side, more understanding needs to be sought on what drives the demand and who exploit trafficked children and why.

I also learnt that child trafficking has links with child migration (both legal and illegal), smuggling, criminal activities and organised transnational crime groups. The realisation that trafficking of children involves a chain of criminal behaviours is fundamental in the effective countenance of the problem. The link between human trafficking and transnational organised crime is another matter that needs to be confronted yet its knowledge base is murky. The existence of transnational child trafficking operations and human trafficking in general, are a reflection of, and a contributing factor to geopolitics, whose characteristics do not rely solely on

boundaries, territories or power 'from within' but upon the transnational flows of resources and influence in the highly globalized world. It is a problem that has not been addressed as such in the South Sudan context. Whilst South Sudan is a source, transit and destination country for child trafficking, there is hardly any investigation of child trafficking that unravels the criminal activities from source countries to the various destinations. Moreover, there are hardly any follow-ups on international victims of trafficking after they have been repatriated. These are issues that future research could address.

In addition, child trafficking is a phenomenon which cannot be captured in a single 'snapshot'; it does not happen in only one place as it involves a series of human rights violations from recruitment at source region to destination. Realising that child trafficking is a chain or a series of criminal offences that cuts across international borders justifies why there is need for cross-border cooperation between law enforcement officers to enable them be proactive to investigate and prosecute offenders. It also explains why deterrence measures at international borders may not be an adequate option to address the problem.

The findings from the systematic review of studies, papers and reports on human trafficking in South Sudan also reveal that there is scanty accumulation of knowledge regarding the patterns, perpetrators and complexity of the phenomenon of trafficking in human beings, and specifically on child trafficking. The data and research on human trafficking on South Sudan are patchy. There is also lack of consistency in

the way in which the research on human trafficking has been conducted by various individuals, agencies, organisations and institutions. This has resulted in overlap and selective coverage of trafficking issues.

Moreover, the research generally reflects the institutional interests of the organisations which provide the funding. Whereas allocation of scarce resources for research is a prerogative of the funding institution, its implication on the level of independence of the research outputs becomes critical. This raises the question of conflict of interest as most research that are externally funded serve the program interests of the recipients and, to a large extent, external donors in terms of the depth, areas of focus, time and place. The available trafficking data on South Sudan have mainly been generated by international organisations, non-governmental organisations and practitioners. The insufficient knowledge base on the depth and breadth of the phenomenon of child trafficking identified above reflect the material conditions upon which existing knowledge on trafficking is produced and reproduced in South Sudan. The knowledge “gaps” have had fundamental implications on the contemporary knowledge base regarding the problem of child trafficking and what can be done about it.

I have also found out that a number of challenges pose serious difficulties in enforcing international counter-trafficking legislations and child protection instruments in South Sudan. In addition to the inherent difficulties in the Western-centred definition and restrictive understanding of the concepts of ‘child’ and ‘childhood’ undermining the effective

application of international standards of child protection in the country, the counter-trafficking interventions in the country are mainly externally driven, project based and lack coherence. Most of the rehabilitation and reintegration work has been left to civil society organisations to implement. This is because the government of South Sudan does not also have adequate capacity and political will to enforce counter-trafficking instruments and international standards for child protection. These challenges are compounded by the interplay of the emerging socio-economic and political development in the post-independent South Sudan.

Furthermore, I found that there are several social determinants of vulnerability of children to trafficking. They include harmful cultural practices, gender based discrimination, dysfunctional families and illiteracy. Discriminatory practices and archaic cultural practices such as child marriages, domestic and gender based violence reinforced by war-time culture of violence, among others factors contribute significantly to the vulnerability condition of disadvantaged children.

I also learnt that child trafficking and exploitation undermine the trust that vulnerable children should have in adults as both their care givers and enforcers of their freedom from fear and freedom from want. Adults are part of the problem that make children increasingly vulnerable to trafficking and abuse due to their inaction, complicity or inability to provide protection to them. The research reveals that adults are responsible for the socio-economic woes and political instabilities in South Sudan. Wars

waged by adults result in child displacement, orphanhood, separation, homelessness and child conscription into fighting adult wars. Some adults also exploit children in the commercial sex industry for economic reasons and pleasure, while others trafficked them for their cheap and malleable labour, adoption, or ritual sacrifices. Adults make laws which are meant to protect the rights of the child and yet they oftentimes fail to implement them or to guarantee their security and safety. As a result of the lack of guaranteeing the protection of children's rights, victims of trafficking suffer huge long-term physical and psychological consequences.

Finally, there are counter-trafficking initiatives that should be undertaken at the international, regional and national levels to counter the problem of cross-border trafficking of children. Counter-trafficking response mechanisms in conflict and post-conflict contexts at the national and international levels require the cooperation between states, partnerships between state and non-state actors and between non-state actors themselves. But further research needs to be conducted on how cooperation between counter-trafficking actors can meaningfully address the problem of internal and transnational child trafficking.

The section which follows outlines possible policy recommendations of the research on child trafficking in the research context which is intended for international community, states, civil society and individuals with interest in counter-trafficking governance.

### **Recommended policy guidelines**

Population movement, voluntary or forced, is embedded with multifaceted aspects, ramifications and dilemmas for states. The need to address this challenge through enacting and implementing appropriate policy responses have become a fundamental issue that directly impacts inter-state relations across the globe more than ever before. Human trafficking, alien-smuggling and illegal migration are among the factors that influence population movement. Whilst trafficking in human beings, alien-smuggling and illegal migration may share some common attributes, researchers, policy makers and implementers ought to be cognizant of the fact that human trafficking has its own peculiarities and dynamics that involve, particularly, human rights abuses and thus human security of individuals. It implies therefore that countering the problem of human trafficking necessitates specific and appropriate policy responses.

Where applicable, the problem of transnational human trafficking requires states to consider taking steps to ensure that measures are undertaken that protect and promote human rights. Because violations of human rights are both a cause and a consequence of human trafficking, states need to place protection of human rights at the core of counter-trafficking governance so that policies do not adversely impact the dignity, human rights and human security of individuals, particularly, those of trafficked victims, internally displaced persons, refugees, asylum seekers or migrant population. Under international law, the state has the primary responsibility to diligently act in preventing the occurrence of human



trafficking, investigating suspected cases, prosecuting traffickers as well as assisting and protecting victims.

One of the ways through which state can collectively engage in counter-trafficking is through entering into intergovernmental cooperation particularly in geopolitical contexts which are most prone to and affected by the problem. Empirical evidence provided in the thesis showed that South Sudan's geopolitical location and embeddedness in the conflict systems in the East and Horn of Africa region makes it a source, transit and destination country of trafficked persons. Regional states require paying special attention on stepping up border controls, prevention of irregular population movements, readmission and repatriation agreements and other restrictive measures that aim at curbing international crimes. From the state's perspective, however, this is where an issue of national security comes into play, as it assumes the rights to provide protection to its citizens from external threats.

States with similar aspirations to counter the problem of human trafficking and enhance human and people's rights can enter into bilateral agreements provided they have or are willing to craft relevant domestic legislative frameworks. As for the case of South Sudan, there are several gaps in its national legal framework that require to be addressed if the rights and safety of all the citizens are to be guaranteed. To that end, the Government of South Sudan (GoSS) should consider taking immediate actions to ratify and deposit the following key international and sub-regional international anti-trafficking and child rights instruments: the

United Nations Human Trafficking Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol 2000 Supplementing the United Nations Conventions against Transnational Organised Crime, the African Charter on Human and Peoples Rights (signed on 24/01/2013)<sup>163</sup>, African Charter on the Rights and Welfare of the Child (signed on 24/01/2013)<sup>164</sup> and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa<sup>165</sup>. Although the GoSS has some legal provisions (discussed in Chapter 5) which criminalise child trafficking, they are short of providing the holistic framework for the protection of vulnerable population, prevention of the problem of trafficking, prosecution of trafficking offenders and partnership for actors involved in counter-trafficking policy implementation.

The Government of South Sudan is particularly encouraged to enact a specific national anti-trafficking law that addresses the phenomenon of human trafficking from a rights based perspective and harmonise legal definition, procedures and cooperation at the national and regional levels

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<sup>163</sup> Adopted in Nairobi, Kenya, in June 1981, entered into force on 21 October 1986 and was registered with the United Nations on 10 September 1991, Registration No. 2636. Available from: <http://au.int/en/sites/default/files/African%20Charter%20on%20Human%20and%20Peoples%27%20Rights.pdf> (Accessed, 12 May 2014).

<sup>164</sup> Adopted in Addis Ababa, Ethiopia, on 11 July 1990 and entered into force on 29 November 1999, available from: [http://au.int/en/sites/default/files/Welfare%20of%20the%20Child\\_0.pdf](http://au.int/en/sites/default/files/Welfare%20of%20the%20Child_0.pdf) (Accessed, 12 May 2014).

<sup>165</sup> The Protocol was adopted in Maputo, Mozambique, on 11 July 2003 and entered into force on 25 November 2005. Available from: <http://au.int/en/sites/default/files/Rights%20of%20Women.pdf> (Accessed, 12 May 2014).

in line with internationally acceptable standards. The state should also consider periodic reviews of its current national legal frameworks in relation to licensing and operation of business entities such as employment agencies, such as bars, travel agencies, guest houses and employment agencies that serve as undercover of human trafficking. It should also ensure that there is timely, adequate and effective law enforcement mechanism.

Regarding special measure for protecting and supporting child victims of trafficking, the state should primarily consider the best interests of the child in all its actions, particularly by ensuring that physical, psychological physical harm suffered by the victims are dealt with separately from trafficked adults in terms of laws, policies and programme implementations.

Furthermore, the South Sudan political context also revealed that the country has been suffering from political instabilities for decades. Whilst cessation of hostilities have often been attained through negotiated peace agreements, it should be noted that the agreements failed to provide sufficient conditions that guarantee human security, protect human rights and prevent criminality in the post-war and post-independence era. This is due, in part, to the lack of due attention that the peace processes paid to structural inequalities that produce and reproduce the demand factors that exacerbate exploitation in the country. To that end, the thesis recommends that all concerned actors including the international community, the African Union, inter-governmental bodies, civil society,

citizens and friends of South Sudan need to consider putting pressure on mediators and various pressure groups to encourage belligerents to incorporate relevant legal provisions in the on-going and future peace talks that focus specifically on mechanisms that reduce the causes of child vulnerability in the country including inequality, poverty and all forms of discrimination and also enhance human and people's rights, particularly the right of the child.

The fact that the state has the responsibility to identify and eradicate the involvement of public-sector and non-state actors, formal and informal organisations complicit in human trafficking chain, it should be encouraged to develop a national plan of action to end child trafficking. This requires establishing horizontal linkages between state institutions and between the state and civil society actors involved in counter-trafficking.

In addition, states need to consider putting measures in place that ensure that victims of human trafficking are provided with adequate protection from risk of further exploitation, harm or re-trafficking and that they unconditionally access adequate legal, physical and psychological support.

There is also need to effective and realistic counter-trafficking strategies based on accurate and current research, critical analysis, evaluation and dissemination. This can only be possible when all actors involved in policy development and implementation routinely cooperate in the co-construction of knowledge and maintain clear understanding of human

trafficking issues in South Sudan. It is important for researchers to standardise the tools for data collection on human trafficking and that collected data are disaggregated based on various attributes including gender, age and ethnicity. In addition, South Sudan is encouraged to develop, keep and maintain a national database of trafficked persons for ease of reference.

In conflict and post-conflict context, there direct and indirect involvement of humanitarian agencies, international NGOs, peacekeepers, civilian police and diplomatic personnel in human trafficking raises special concern that state need to deal with. It should be noted that it is the responsibility of the state, international agencies/organisations to take effective measure to ensure that personnel working under their authority do not engage either directly in indirectly in human trafficking or acts related to the exploitation of services of trafficked persons. Therefore, states humanitarian agencies INGOs, peacekeepers need to conduct regular trainings for their staff, develop and adopt specific regulations related to human trafficking and codes of conduct for staff and outline consequences of the failure to abide by the standards. The state should endeavour to consistently apply criminal and administrative sanctions for non-compliance including waiver of diplomatic immunity for serious crimes such as trafficking in human beings.

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## **APPENDIX 1: SAMPLE DATA COLLECTION INSTRUMENT**

### **An Interview Guide**

#### *Setting the scene for the interview*

Thank you for sparing your time to meet with me today. My name is Job Akuni, a PhD researcher at the University of Bradford, UK. I am conducting a study on child trafficking and how it is governed in post-conflict South Sudan. This study is part of my ongoing course and is purely for academic purpose.

I am, therefore, interested in your perceptions and knowledge about the dynamics of the problem. The interview may take about one hour, at most. Because of the importance of the interview process to me, I would also like to take notes of important points raised during the conversations, if you agree.

All responses from this interview will be kept confidential and your identity will be kept anonymous. Your participation in the interview is voluntary. Also, you may are free not to disclose any information you consider very sensitive or to end or reschedule the interview should you feel like doing so. Feel free to ask any questions.

Date : \_\_\_\_\_

Venue \_\_\_\_\_

Start time: \_\_\_\_\_

End time: \_\_\_\_\_

## The Interview Schedule

<b>Biographical Background</b>			
<i>This section is aimed at establishing a relationship and setting the scene for more detailed information. It is intended to help in building trust and encouraging the interviewees to share their personal experiences and focuses on the process of the interview.</i>			
<b>S/No</b>	<b>Questions</b>	<b>Prompts</b>	<b>Variables</b>
a.	<i>Could you share with me some information about yourself, occupation, place of work and role in your institution /organization?</i>	Focus on personal information and prompt for details.	<ul style="list-style-type: none"> <li>• Sex</li> <li>• Occupation</li> <li>• Place or area of work</li> <li>• Role in organization/ institution</li> </ul>
<b>Perceptions of child vulnerability and trafficking in South Sudan</b>			
<b>S/No</b>	<b>Questions</b>	<b>Prompts</b>	<b>Variables</b>
A	<p><i>Sudan is recovering from years of civil war which ended in 2005. What are the post-conflict factors that make the children in the country vulnerable/ undermine their rights?</i></p> <p><i>How do the vulnerability issues mentioned above affect children?</i></p> <p><i>What is child trafficking?</i></p> <p><i>How does child trafficking phenomenon operate in South Sudan?</i></p> <p><i>What are the main factors</i></p>	<p>Perceptions of post-conflict factors</p> <p>Internal, regional and international factors</p> <p>Implications to children</p> <p>Perception of understanding of child trafficking and modes of operations.</p> <p>Traffickers</p> <p>Trafficked children</p> <p>Internal (post-</p>	<ul style="list-style-type: none"> <li>• Social, structural, economic, political factors.</li> <li>• Socio-economic, political implications</li> <li>• Child mobility</li> <li>• Child exploitation</li> <li>• Nature and extent of the problem</li> <li>• Profiles of trafficked children</li> <li>• Profiles of traffickers</li> <li>• Source and destinations</li> <li>• Why children</li> </ul>

	<p><i>driving child trafficking in post-war South Sudan?</i></p> <p><i>What are the main post-war factors which inhibit child trafficking?</i></p>	<p>conflict), regional and international factors</p> <p>Current child protection mechanisms</p>	<p>are trafficked</p> <ul style="list-style-type: none"> <li>• Typologies</li> <li>• Social, structural, economic and geopolitical factors</li> <li>• Social, cultural and political mechanisms</li> </ul>
b.	<p><i>How does child trafficking affect children in South Sudan?</i></p>	<p>Impact on children and society</p>	<ul style="list-style-type: none"> <li>• Physical, psychological, economic, political and social implications</li> </ul>
<b>The governance of anti-trafficking norms in South Sudan</b>			
c.	<p><i>How does the governance of anti-trafficking function in South Sudan?</i></p> <p><i>How has the international counter-trafficking norms been domesticated and operationalized in the local context?</i></p>	<p>Legal frameworks - International, regional and national norms</p> <p>The implication of problem construction on policy responses</p>	<ul style="list-style-type: none"> <li>• Problem definition in the political discourse</li> <li>• Actors</li> <li>• Policies</li> <li>• Operationalization</li> <li>• Good/bad practices</li> </ul>
d.	<p><i>What are the main challenges facing counter-trafficking in South Sudan? How have/can they be addressed?</i></p>	<p>Internal, regional and international factors</p>	<ul style="list-style-type: none"> <li>• Socio-economic, structural, and geopolitical factors</li> </ul>
e.	<p><i>What are the wider implications of the problem of child trafficking?</i></p>	<p>Child rights, post-conflict stability</p>	<ul style="list-style-type: none"> <li>• Theory construction and/ or building</li> </ul>

## APPENDIX 2: INTERVIEW CODES

Interview code	Meaning
ICSO	International Civil Society Organisation (International NGOs/UN Agencies).
KI	Key Informant (Academics, researchers, media, Embassy staff).
NCSO	National Civil Society Organisation (National NGOs, Community based Organisations/ local charity groups).
SSGO	South Sudan Government officials (Ministry Officials, State Governors, Judiciary).
SSLEO	South Sudan Law Enforcement Officials (Police officers, SPLA army officers).

### APPENDIX 3: SELECTED DATA SOURCES

Government Sources	INGOs/NGOs/Research Institutes	Media Sources
<ul style="list-style-type: none"> <li>• Government of South Sudan <ul style="list-style-type: none"> <li>○ Parliament of South Sudan</li> <li>○ Ministry of Internal Affairs</li> <li>○ Ministry of Foreign Affairs</li> <li>○ Ministry of Justice and Constitutional Affairs</li> <li>○ Ministry of Gender, Youth and Social Development</li> <li>○ Ministry of Labour, Public Service and Human Resource Development: <a href="http://www.goss.org/">www.goss.org/</a></li> </ul> </li> <li>• United States Department of States <a href="http://www.state.gov/j/tip/">www.state.gov/j/tip/</a></li> </ul>	<ul style="list-style-type: none"> <li>• International Organisation for Migration, South Sudan: <a href="http://www.iom.int/">http://www.iom.int/</a></li> <li>• International Labour Organisation, South Sudan: <a href="http://www.ilo.org/">http://www.ilo.org/</a></li> <li>• UNICEF, South Sudan: <a href="http://www.unicef.org/">http://www.unicef.org/</a></li> <li>• UNODC: <a href="http://www.unodc.org">www.unodc.org</a></li> <li>• The World Bank: <a href="http://siteresources.worldbank.org">http://siteresources.worldbank.org</a></li> <li>• Organisation or security in Europe:</li> <li>• Save the Children: <a href="http://www.savethechildren.org.uk">www.savethechildren.org.uk</a></li> <li>• Confident Children out of Conflict: <a href="http://www.confidentchildren.org">www.confidentchildren.org</a></li> <li>• South Sudan Medical Journal: <a href="http://www.southsudanmedicaljournal.com">www.southsudanmedicaljournal.com</a></li> <li>• University of Juba, South Sudan: <a href="http://www.juba.edu.sd/">www.juba.edu.sd/</a></li> <li>• Sudan open archives: <a href="http://sudanarchive.net">http://sudanarchive.net</a></li> <li>• Terre des hommes Foundation: <a href="http://www.childtrafficking.com">www.childtrafficking.com</a></li> </ul>	<ul style="list-style-type: none"> <li>• Gurtong Trust <a href="http://www.gurtong.net">http://www.gurtong.net</a> <ul style="list-style-type: none"> <li>• South Sudan radio service <a href="http://www.sudanradio.org/">www.sudanradio.org/</a></li> </ul> </li> <li>• Free South Sudan media centre <a href="http://freesouthsudanmediacenter.com/">http://freesouthsudanmediacenter.com/</a></li> <li>• Sudan Tribune: <a href="http://www.sudantribune.com/">www.sudantribune.com/</a></li> <li>• BBC: <a href="http://www.bbc.co.uk/news">www.bbc.co.uk/news</a></li> <li>• The CNN Freedom Project <a href="http://thecnnfreedomproject.blogs.cnn.com/?iref=allsearch">http://thecnnfreedomproject.blogs.cnn.com/?iref=allsearch</a></li> </ul>

#### **APPENDIX 4: LIST OF KEY RESEARCH RESPONDENTS / ORGANISATIONS**

<b>S/No</b>	<b>Name of Organisation/Institutions</b>	<b>Designation</b>
1.	International Labour Organisation	South Sudan Coordinator
2.	UNICEF	Child Protection officer
3.	UNDP	Programme Manager
4.	War Child Holland	Programme Manager
5.	War Child UK	Coordinator
6.	Save the Children	Child Protection Specialist
7.	University of Juba	Director, Department of Peace and Development
8.	Confident Children out of Conflict	Director
9.	Totto Chan	Programme Manager
10.	Ministry of Gender	Commissioner
11.	Ministry of Justice	Deputy Minister
12.	Ministry of Internal Affairs	Cabinet Minister
13.	Ministry of labour, Public Service and Community Development	Assistant Commissioners
14.	Radio Juba	Programme Manager and Station Manager
15.	Ministry of Information	Cabinet Minister
16.	Governors (Central Equatorial, Eastern Equatorial, Jonglei and Lakes)	State Governors
17.	Uganda Consulate in Juba	Consulate
18.	Other informants Edward L. L. Moses M. Michael S. T Joyce K.	Key Informants from Juba County <i>Payams</i>

## **APPENDIX 5: DOCUMENTS/COMMUNICATION COMPRISING FORMAL POLITICAL DISCOURSE**

- |                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Legal norms</b>                                                                  | <ul style="list-style-type: none"> <li>• United Nations Trafficking Protocol.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                              |
| <ul style="list-style-type: none"> <li>• International norms</li> </ul>                | <ul style="list-style-type: none"> <li>• The Universal Declaration of Human Rights.</li> <li>• International Covenant on Civil and Political Rights</li> <li>• Convention on the Elimination of All Forms of Discrimination Against Women</li> <li>• The UN Convention on the Rights of the Child</li> <li>• The ILO Conventions –C182 and C38</li> <li>• UNSCAS: Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery</li> </ul> |
| <ul style="list-style-type: none"> <li>• Regional Child Rights Instruments</li> </ul>  | <ul style="list-style-type: none"> <li>• Africa Convention on the Rights and Welfare of the Child.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>• National Legislations and Policies</li> </ul> | <ul style="list-style-type: none"> <li>• South Sudan Child Act 2008</li> <li>• Constitution of South Sudan</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                 |

### **2. Government official discourse/statements**

- President Kiir: The New Year brings new hope of building a peaceful nation, published on the GoSS website, 2012.
- H.E Gen Salva Kiir Mayardit, President of the Republic Address to the First Joint Sitting of the National Legislature and to the Nation, Juba, 8 August 2011.

- Speech by Mr David Mabior on peacebuilding in South Sudan, delivered in Canada on 27 April 2011.
- Gender Minister's speech on International Women's Day on 8 March 2011, Juba, South Sudan.
- Speech by H.E. Dr. Riek Machar Teny at the South Sudan Academic Forum on 11 March 2011, Juba, South Sudan.



## **APPENDIX 6: NORTH-SOUTH SUDAN POLITICAL HISTORY TIMELINE<sup>166</sup>**

- 1956: Sudan became independent from British/Egyptian rule.
- 1958 – 1971: Sudan experienced political unrest and military coups took place.
- 1972 Addis Ababa Peace Agreement. South Sudan to become a self-governing region.
- 1978: Oil is discovered in Bentiu, Southern Sudan.
- 1983: Civil war broke out between the South between the Government and Garang led Sudan People's Liberation Movement/Army (SPLM/A). President Numeiri declared Sharia law.
- 1985: Widespread unrest, Numeiri deposed and Transitional Military Council took over.
- 1986: Coalition government set up and Sadiq al-Mahdi became Prime Minister.
- 1988: Democratic Unionist Party/Coalition draft cease-fire agreement with SPLM; cease-fire failed.
- 1989: Military coup ushered in National Salvation Revolution in power. Al-Bashir became new president of Sudan.
- 1995: Sudan accused of masterminding assassination attempt on Egyptian President Mubarak.

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<sup>166</sup> This Timeline is adapted from Sudan Australian Network, Available from <http://www.darfuraustralia.org/files/Sudan%20Timeline%201950-2010.pdf> (Accessed 12 November 2014).

- 1998: US missiles attacked and destroyed a pharmaceutical plant in Khartoum – allegedly manufacturing chemical weapons.
- 1998: 96% voters endorsed a referendum for new constitution
- 1999: Sudan dissolved National Assembly and declared a state of emergency following power struggles between President al-Bashir and Speaker of the House, Islamic leader Hassan al-Turabi.
- 1999: Sudan began to export oil resource.
- 2000: general elections held and President al-Bashir re-elected for another five years.
- 2001: Nairobi Peace talks failed between al-Bashir and SPLM leader Garang.
- 2001: The US extended its unilateral sanctions on Sudan citing terrorism and rights violations North/South.
- 2002: al-Bashir and SPLA signed landmark ceasefire agreement, providing a 6-month renewable ceasefire.
- 2002: 8-year peace process ended: Breakthrough agreement between the Government and Southern Rebels to end 19-year civil war.
- 2002: Machakos Protocol: South to seek self-determination after 6 years.
- 2003: Western Darfur conflict: Rebels rose against Government citing neglect of region by Khartoum. Darfur conflict killed tens of thousands, displaced millions.
- 2004: UN official said government sponsored Arab “Janjaweed” militias were carrying out systematic killings of African villagers in Darfur.

- Power sharing: Government and southern rebels agreed on power sharing.
- 2005 January: Khartoum Government and SPLA signed a Comprehensive Peace Agreement (CPA) (also known as the Naivasha Agreement).
- 2005 March: UN Security Council authorised sanctions against ceasefire violators in Darfur; Council voted those accused of war crimes in Darfur to be referred to the ICC.
- 2005: Government and exiled opposition National Democratic Alliance (NDA) signed reconciliation into power-sharing administration.
- 2005 July Garang sworn in as first Vice President of Sudan.
- 2005 August: Garang killed in plane crash after visiting Uganda's President Museveni. Salva Kiir succeeded Garang as First Vice President of Sudan and President of Southern Sudan.
- 2005 September: Power-sharing government formed in Khartoum.
- 2005 October: Autonomous government formed in South Sudan with the administration dominated by former rebels.
- 2006 May: Khartoum and the Sudan Liberation Movement signed a Peace Accord. Smaller rebels groups left out and rejected the Accord and fighting continued.
- 2006 August: U.N. Security Council adopted a resolution authorising the deployment of up to 22,500 troops and police to the AU troops.
- 2006: Khartoum rejected UN peacekeeping force deployed to Darfur citing concerns over its sovereignty.

- 2006 October: UN top official Jan Pronk expelled from Sudan.
- 2007 April: UN troops deployed in Dafur to reinforce AU peacekeepers.
- 2007 May: International Criminal Court (ICC) issued arrest warrants for State Minister for Humanitarian Affairs Ahmed Haroun and the Janjaweed militia Ali Kosheib (a pseudonym for Ali Mohammed Ali) suspected of war crimes in Darfur.
- 2007 July: UNAMID - UN Security Council approved a resolution authorising a 26,000 hybrid force for Darfur (United Nations-African Union Mission in Darfur); Sudan agreed to co-operate with UNAMID.
- 2007 October: SPLM accused Khartoum of failing to honour the 2005 peace deal and temporarily suspended participation in Government of National Unity.
- 2007 December: SPLM resumed participation in Government of National Unity.
- 2008 January: UN took over Darfur peace force.
- 2008 Apr National census conducted.
- 2008 July: ICC indicted President al-Bashir for crimes against humanity. Sudan rejected the indictment.
- 2008 October: JEM refused to participate in Qatari peace talks; the SLM and SNLM merged forces.
- 2008 November: al-Bashir announced immediate ceasefire in Darfur and a campaign to disarm militias.

- 2009 January: Hassan al-Turabi arrested after declaring that President al-Bashir should hand himself in to The Hague to face war crimes charges.
- 2009 March: ICC issued arrest warrant against President al-Bashir on charges of war crimes and crimes against humanity in Darfur.
- 2009 June: Khartoum government denied supplying arms to ethnic groups in the south to destabilise the region; Salva Kiir, warned his forces were being re-organised for any return to war with the north.
- 2009: Ex-foreign minister Lam Akol split from South's ruling SPLM to form new party, SPLM Democratic Change.
- 2009 December: Deal reached between leaders of North and South, on the terms of a referendum on independence due in the South by 2011.
- 2010 January: al-Bashir said he would accept referendum result, whatever the outcome.
- 2010 June: the UN said Darfur saw bloodiest month in two years.
- 2010 July: ICC issued second arrest warrant for President al-Bashir on charges of genocide.
- 2010: SPLA launched "Child Protection Department" intended to demobilise all children in military ranks and end the use of child soldiers across Southern Sudan by the end of 2010
- 2010 April: Omar al-Bashir elected President in Sudan's first multi-party elections in 24 years.
- 2011 January: South Sudan vote in favour of full independence from the north.

- 2011 March: Government of South Sudan suspended talks with the North, accuses it of plotting a coup in the South.
- July 9: South Sudan attained independence.
- 2011: The northern Sudanese economy begins to tailspin.
- January 13: Sudan Parliament passed a law cancelling the Sudanese nationality of South Sudanese in the north.
- 2011: Sudan announced intention to sequester a portion of oil produced in the South until exorbitant transit fees are paid.
- 2011 November 1: The U.S. renewed economic sanctions against Khartoum; major EU countries, Japan, Brazil, India and other economic powers refused to do so.
- 2011 December 8: Sudan's economic warfare against South Sudan escalated.
- June 2012: Salva Kiir formed committees to review the SPLM's basic documents ahead of the party's extraordinary National Convention.
- June-August 2012: The SPLM conducted a nationwide tour to consult members on nation- and state-building.
- 5 December 2012: South Sudanese journalist Isaiah Diing Abraham Chan Awuol, whose writings were seen as highly critical of Kiir and supportive of Machar presidency, shot dead in Juba.
- 21 January 2013: President Kiir removed Lakes State Governor Chol Tong Mayay, accused him for becoming too close to Vice-President Machar. On the same day Kiir also removed 30 top SPLA generals from active service and placed them on a 'reserve list'.

- 14 February 2013: President Kiir retired 117 SPLA Generals.
- 6 March 2013: The SPLM Political Bureau convened. Machar announced his intention to challenge Kiir for SPLM leadership in its forthcoming National Convention. Pagan Amum and Rebecca Nyandeng also announced their candidatures.
- 15 April 2013: Kiir relieved Vice-President RiekMachar of 'all duly delegated powers'.
- 26 April 2013: The South Sudan Liberation Movement/Army (SSLM/A) rebel accepted the President's amnesty offer to integrate into the SPLA.
- 5 May 2013: Oil exportation from South Sudan to Sudan restarted more than a year after production was halted due to a disagreement over transit fees.
- 17 June 2013: President Kiir lifted the immunity from prosecution of two key ministers - Minister of Cabinet Affairs and Minister of Finance and Economic Planning, both accused of corruption.
- 23 July 2013: Kiir dismissed Machar as Vice-President, all ministers and all their deputies following weeks of speculation.
- 31 July – 4 August 2013: Kiir appointed new cabinet ministers and their deputies.
- 15 November 2013: President Kiir dissolved all political structures of the SPLM (including the Political Bureau and the National Liberation Council).
- 6 December 2013: Machar led a group of senior SPLM politicians dismissed by President Kiir and held a press conference while Kiir was in Paris.

- 14 -15 December 2013: The National Liberation Council (NLC) convened. Kiir gave a combative opening address, referencing the 1991 split in the SPLM, which was led by Machar. In protest at the proceedings, Machar and others politicians did not attend.
- 16 December 2013: Security forces began to arrest a series of high ranking SPLM members in Juba. Dinka security sector personnel, including the Presidential Guard, began to arrest, abuse, and kill Nuer soldiers, politicians, and civilians in Juba. Between 200 and 300 Nuer civilians executed.
- 18 December 2013: Machar escaped from Juba, arrived in Bor; ethnic fighting broke out.
- 19 December 2013: Machar called on the SPLM/A to topple Kiir, confirming he was in an open rebellion against the government, while denying plotting a coup.
- 25 December 2013: Kiir acknowledged killings in Juba and said the perpetrators of violence were 'destroying' him.
- 27 December 2013: Ugandan MiG-29 jets bombed rebel areas around Bor in the hope of dislodging rebel forces without much success.
- 30 December 2013: Ugandan President Museveni visited Juba and pledged support to Kiir. Fighting continued.
- 23 January 2014: The government and opposition signed a Cessation of Hostilities (CoH) Agreement in Addis Ababa, to come into effect in 24 hours.
- 2014: The African Union's Peace and Security Council appointed former Nigerian President Olusegun Obasanjo to head a five-member



Commission of Inquiry to investigate human rights violations and other abuses committed in South Sudan since mid-December 2013.

- 13 March 2014: IGAD resolved, at a heads of state summit in Addis Ababa, to deploy a regional stabilization force to South Sudan.
- 3 April 2014: US President Barak Obama signed an Executive Order for targeted sanctions against individuals /entities deemed to commit wide range of human rights abuses.

29 May13: GoSS Minister of Foreign Affairs Marial Benjamin visited Moscow, publicly thanking the Russians for blocking sanctions against South Sudan at the Security Council.